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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (II) PART II—Section 3—Sub-Section (II)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएँ
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(other than the Ministry of Defence)

कृषि, लोक शिक्षा तथा पेंशन मंत्रालय

(कानूनी और प्रशिक्षण विभाग)

नई दिल्ली, 20 दिसम्बर, 1994

प्रत्यक्ष

का.प्र. 3237—केंद्रीय सरकार, एन.ए. द्वारा आत्मकवारी और विधेय-
कारी क्रियाकलाप (विभाग) अधिनियम, 1987 (1987 का अधिनियम
सं. 28) की धारा 12 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का
प्रयोग करते हुए श्री आर. के. ए. शर्मा, वरिष्ठ लोक अभियोजक, के.ए.
एच. बम्बई को संलग्न अनुसूची में उल्लिखित अवसरों पर बम्बई
शहर और बम्बई उपनगर क्षेत्रों, जिला रायगढ़ और जिला ठाणे,
में किए गए ऐसे ही मामलों के विचारण के लिए जून अधिनियम का
धारा 9 के अन्तर्गत गठित सामानिष्ठ रायगढ़ बम्बई में पूर्वोक्त अनुसूची
में उल्लिखित मामलों और बम्बई शहर तथा उसके उपनगरों में 12 मार्च,
93 को हुए बम विस्फोटों से उद्भूत गिरावटों में से हुए मामलों के
उत्पन्न मामला सं. आर.सी-1 (एच)/93-1 को आई.एस.टी. बम्बई (कॉर्ट
केस सं. सी.बी.सी-1 ऑफ 93) तथा उक्त अधिनियम के धारा 9 के
अन्तर्गत बम्बई अनुसूचित और सामानों के संचालन के लिए केंद्र
अन्वेषण ब्यूरो के विशेष लोक अभियोजक के रूप में नियुक्त करने के।

क्र.सं.	स्थान	पुनिय स्टेशन तथा मा.प्र.सं.	सी.सी.सी. आर. सं.
1	2	3	4
1.	स्टॉक एक्सचेंज	एन.आर.ए. मार्ग, 129/93	70/93
2.	क्या बाजार	पेघली, 195/93	72/93
3.	सेवा सदन	बाबर, 186/93	118/93
4.	सेन्ट्रल बाजार	दादर, 187/93	117/93
5.	महिय कोजरे	महिय, 185/93	110/93
6.	एयर इंडिया	कूके रोड, 126/93	71/93
7.	जावेरा बाजार (रेकॉर्डिंग स्कूटर)	एन.टी. मार्ग, 122/93	75/93
8.	गोल्डन हिल	बादरा, 128/93	114/93

1	2	3	4
9.	प्लाजा सिनेमा	महिम, 184/93	109/93
10.	जुहू तूर होटल	संतक्रुज, 155/93	116/93
11.	एयरपोर्ट बे 54 (थ्रोइंग एच.जी.)	साहार, 200/93	108/93
12.	सेन्तुर होटल (एयरपोर्ट)	एयरपोर्ट, 19/93	115/93
13.	वरली	वरली, एल.ए.सी., 389/93	112/93
14.	नेगम सी डार एस रोड, (म.एस.एल.ए.सी. स्कोटर)	मुटंगा, 251/93	83/93
15.	धनजी स्ट्रीट एंड जवरी एस.टी. मार्ग, बाजार (2 अन एक्स्प्लोडि- बल स्कोटर)	एस.टी. मार्ग, 124/93	111/93
16.	महाला	महाला, 6/93	132/93
17.	श्री कर्वन	श्री कर्वन, 14/93	133/93
18.	गोरेगांव	गोरेगांव, 17/93	134/93
19.	ठाणे	कपूरबावडी, 14/93	135/93
20.	एस. के. मेनन स्ट्रीट	एस.टी. मार्ग, 138/93	77/93
21.	ईस्टर्न साईड लेवेटोरी शाफ मुसाफिर खाना, बम्बई	एस.टी. मार्ग	15/93
22.	नारियलवाडी, मुस्लिम सीमेट्री, मजगांव	एस.टी. मार्ग	18/93
23.	पिकनिक गेस्ट हाउस, साईडो थियेटर, सांतक्रुज (बेस्ट)	एस.टी. मार्ग	20/93
24.	58, नर्गिस दुत्ता रोड, एल.ए.सी. पालीहिल, बान्द्रा (वेस्ट) बम्बई-50	एस.टी. मार्ग	21/93
25.	बीना पार्टी इंडस्ट्रियल, धनश्याम इंडस्ट्रियल एस्टेट, बीना देसाई रोड, मजगांव	एस.टी. मार्ग	23/93
26.	जातिजाबी कॉल, डार नं. 1, सैलापुर सेन, कर्जा (वेस्ट)	कर्जा एस.टी. मार्ग, 707/93	22/93
27.	इमिलेड कोओपरेटिव हाऊसिंग सोसायटी, मिल्ट्री रोड, मारील, बम्बई।	एस.टी. मार्ग	23/93

[सं. 225/48/93-ए बी हो-II]
आर.एच. विष्ट, अवर सचिव

MINISTRY OF PERSONNEL, PG AND PENSIONS
(Department of Personnel and Training)

New Delhi, the 26th October, 1994

S.O. 3237.—In exercise of the powers conferred by Sub-Section (1) of Section 13 of the Terrorist and Disruptive Activities (Prevention) Act, 1987, the Central Government hereby appoints Sh. R.K.H. Sharma, Senior Public Prosecutor, CBI Bombay, as Special Public Prosecutor of Central

Bureau of Investigation for conducting prosecution of the case RC. 1(S)/93-CBI STF Bombay (Court case No. BBC 1 of 93) relating to the cases mentioned in the Schedule appended hereto, and such cases in such areas as may arise out of and connected with Bomb Blasts which occurred on 12th March, 1993 at Bombay City and suburbs, and other matters connected therewith or incidental thereto under the said Act, in the Designated Court at Bombay constituted u/s 9 of the said Act to try offences or such cases committed at Bombay City and Bombay suburban Districts, Raigad District and Thane District as mentioned in the said schedule, and to try such cases in such areas as may arise out of and connected with aforesaid Bomb Blasts.

SCHEDULE

Sl. No.	Place	Police Station and CR No.	DCB CR. No.
1	2	3	4
1.	Stock Exchange	M.R.A. Marg, 129/93	70/93
2.	Katha Bazar	Pydhonje, 195/93	73/93
3.	Sena Bhawan	Dadar, 186/93	118/93
4.	Century Bazar	Dadar, 187/93	117/93
5.	Mahim Causeway	Mahim, 185/93	110/93
6.	Air-India	Cuffie Parade 126/93	71/93
7.	Zaveri Bazar (Exploded Scooter)	LT Marg, 122/93	75/93
8.	Sea Rock Hotel	Bandra, 148/93	114/93
9.	Plaza Cinema	Mahim, 184/93	109/93
10.	Juhu Centaur Hotel	Santacruz, 155/93	116/93
11.	Airport Bay 54 (Throwing H.G.)	Sahar, 200/93	108/93
12.	Centaur Hotel (Air port)	Airport, 19/93	115/93
13.	Worli	Worli, LAC 389/93	112/93
14.	Naigaum C.R.S. Rd. (unexpl. Scooter)	Matunga, 251/93	72/93
15.	Dhanji ST & Zaveri Bazar (2 Unexploded Scooter)	L.T. Marg, 124/93	111/93
16.	Mhasla	Mhasla, 6/93	132/93
17.	Srivardhan	Shrivardhan, 14/93	133/93
18.	Goregaon	Goregaon, 17/93	134/93
19.	Thane	Kapurbawdi, 14/93	135/93
20.	S.K. Menon Street	L.T. Marg, 138/93	77/93
21.	Eastern side Lavatory of Musaffir Khana, Bombay	LAC	15/93
22.	Nariyal Wadi Muslim Cemetery Mazagaon	LAC	18/93
23.	Picnic Guest House*	LAC	20/93
24.	58, Nargis Dutta Rd. Pali Hill, Bandra (W) Bombay-50.	LAC	21/93

1	2	3	4
25. Bona Parte Ind., Ghanshyam Ind. Est., Vira Desai Rd., Andheri	LAC	23/93	
26. Khatijabi Chawal R. No. 1, Sonapur Lane, Kurla (W)	LAC-707/93 Kurla	31/93	
27. Dreamland Co Op. Hq. Sect. Military Rd., Marol, Bombay	LAC	22/93	

*Near Lido Theatre
Santacruz (W).

[No. 225/46/93-AVD. II]
R.S. BISHT, Under Secy.

नई दिल्ली, 31 अक्टूबर, 1994

का. आ. 3238.—प्रातःकवादी और विध्वंसकारी क्रियाकलाप (निवारण) अधिनियम, 1987 की धारा 13 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा श्री जी. सी. चटर्जी, अधिवक्ता, 21 लापरस चौम्बर, राजस्थान उच्च न्यायालय, जयपुर को मामला आरसी 37(एस)/93—सी बी आई, जयपुर (न्यायालय मानसा सं. एस टी—6/94 राज्य बनाम डा. मोहम्मद जलील अंसारी एवं अन्य) तथा उक्त अधिनियम के अन्तर्गत उससे संबंधित अथवा अनुषांगिक अन्य मामलों के, उक्त मामले से उद्भूत और जुड़े अपराधों अथवा ऐसे ही मामलों पर विचारण करने के लिए उक्त अधिनियम की धारा 9 के अन्तर्गत गठित नामनिर्दिष्ट न्यायालय अजमेर में, अभियोजन के संचालन के लिए केन्द्रीय अन्वेषण ब्यूरो, विशेष पुलिस स्थापना के विशेष लोक अभियोजक के रूप में नियुक्त करती है।

[सं. 225/21/94-ए बी डी —II]

आर० एस० बिष्ट, प्रवर सचिव

New Delhi, the 31st October, 1994

S.O. 3238.—In exercise of powers conferred by Section (1) of Section 13 of TADA(P) Act, 1987, the Central Government hereby appoint Shri G. C. Chatterjee, Advocate, 21 Lawyers Chamber, Rajasthan High Court, Jaipur, as Special Public Prosecutor of Central Bureau of Investigation, Special Police Establishment, for conducting prosecution of the case RC 37(S)/93-CBI, Jaipur (Court No. ST-6/94 State Vs. Dr. Mohd. Jalees Ansari & others, and other matters connected therewith or incidental thereto under the said Act," in the Designated Court at Ajmer, constituted u/s 9 of the

said Act, to try offences or such cases as may arise out of and connected with aforesaid case.

[No. 225/21/94-AVD-II]
R. S. BISHT, Under Secy.

वित्त मंत्रालय

(राजस्व विभाग)

नई दिल्ली, 9 जून, 1994

(आयकर)

का. आ. 3239.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "इंस्टीट्यूट आफ चार्टर्ड एकाउंटेंट्स आफ इन्डिया" को कर-निर्धारण वर्ष 1988-89 और 1989-90 तक के लिए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है।

[सं. 9557 (फा. सं. 197/105/90-आयकर नि.-1)]
केशव देव, उप सचिव

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 9th June, 1994

(INCOME-TAX)

S.O. 3239.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Institute of Chartered Accountant of India" for the purpose of the said sub-clause for the assessment year 1988-89 and 1989-90

[No. 9557(F. No. 197/105/90-ITA-I)]
KESHAV DEV, Dy. Secy.

नई दिल्ली, 17 जून, 1994

(आयकर)

का. आ. 3240.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा भारतीय विद्या भवन, बम्बई को कर-निर्धारण वर्ष 1993-94 से 1995-96 तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (1) कर-निर्धारित इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका सचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;
- (2) कर-निर्धारित ऊपर उल्लिखित कर-निर्धारण वर्षों संगत पूर्ववर्ती वर्षों की किसी भी अवधि के

दौरान धारा 11 की उप-धारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जेयर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वेच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

- (3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों का प्राप्त के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं. 9558/फा.सं. 197/10/94-आयकर नि.-I]

जी. मथुरामाकृष्णन, निदेशक

New Delhi, the 17th June, 1994

(INCOME TAX)

S.O. 3240.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies Bharatiya Vidya Bhavan, Bombay for the purpose of the said sub-clause for the assessment years 1993-94 to 1995-96 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for applications, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contribution received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 9558/F. No. 197/10/94-ITA-I]
G. MUTHURAMAKRISHNAN, Director

नई दिल्ली, 18 अगस्त, 1994

(आयकर)

का. मा. 3241.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "तमिलनाडु भूतपूर्व कामिक हितकारी निधि, मद्रास" को कर-निर्धारण वर्ष 1993-94 से 1995-96 तक के लिए निम्नलिखित शर्तों के अध्वधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (1) कर-निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;

(2) कर-निर्धारिती ऊपर-उल्लिखित कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उप-धारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जेयर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वेच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

- (3) यह अधिसूचना किसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं. 9583/फा.सं. 197/20/94-आयकर नि.-I]

साधना पवाडिया, अवर सचिव

New Delhi, the 18th August, 1994

(INCOME TAX)

S.O. 3241. In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies Tamil Nadu Ex-Service Personnel Benevolent Fund, Madras for the purpose of the said sub-clause for the assessment years 1993-94 to 1995-96 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for applications, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contribution received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 9583/F. No. 197/20/94-ITA-I]
SADHNA PAVADIA, Under Secy.

नई दिल्ली, 24 अगस्त, 1994

(आयकर)

का. मा. 3242.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "भारत सेवा संस्थान, लखनऊ" को कर-निर्धारण-वर्ष 1990-91 से 1992-93 तक के लिए निम्नलिखित शर्तों के अध्वधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (1) कर-निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के

लिए करेगा, जिनके लिए इसकी स्थापना की गई है;

- (2) कर-निर्धारिती पर उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

- (3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं. 9590/फा. सं. 197/75/92-आयकर नि.-1]

साधना पवाडिया, अवर सचिव

New Delhi, the 24th August, 1994

(INCOME-TAX)

S.O. 3242.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies Bharat Seva Sansthan, Lucknow, for the purpose of the said sub-clause for the assessment years 1990-91 to 1992-93 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 9590/F. No. 197/75/92-ITA-I]
SADHNA PAVADIA, Under Secy

नई दिल्ली, 7 सितम्बर, 1994

(आयकर)

का. आ. 3243.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23-ग) के उपखण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "भारतीय अन्तरराष्ट्रीय ग्रामीण सांस्कृतिक केन्द्र, नई दिल्ली" को कर-निर्धारण वर्ष 1993-94 से 1995-96 तक के लिए निम्नलिखित शर्तों के

अध्यधीन रहते हुए उक्त उपखण्ड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:-

- (i) कर-निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका मंचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है ;
- (ii) कर-निर्धारिती ऊपर उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा ii की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं. 9603/फा. सं. 197/60/94-आयकर नि.-I]

साधना पवाडिया, अवर सचिव

New Delhi, the 7th September, 1994

(INCOME TAX)

S.O. 3243.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies, "India International Rural Cultural Centre, New Delhi" for the purpose of the said sub-clause for the assessment years 1993-94 to 1995-96 subject to the following conditions, namely :—

- (i) the assessee will apply its income or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) (the assessee will not invest or deposit its funds (other than voluntary contribution received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;

- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 9603/F. No. 197/60/94-ITA-I]
SADHNA PAVADIA, Under Secy.

नई दिल्ली, 15 सितम्बर, 1994

(आयकर)

का. आ. 3244.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उप-खण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "इंडिया इंटरनेशनल सेंटर, नई दिल्ली" को कर-निर्धारण वर्ष 1994-95 से 1996-97 तक के लिए निम्नलिखित शर्तों के अध्याधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (i) कर-निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है ;
- (ii) कर-निर्धारिती ऊपर-उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा II की उप-धारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (ज्वेलर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों ।

[अधिसूचना सं. 9608 /का. सं. 197/72/94—आयकर नि.-1]

साधना पवाडिया, अवर सचिव

New Delhi, the 15th September, 1994

(INCOME TAX)

S.O. 3244.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies 'India International Centre, New Delhi' for the purpose of the said sub-clause for the assessment years 1994-95 to 1996-97 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for applications, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contribution received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise

than in any one or more of the forms or modes specified in sub-section (5) of Section 11;

- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 9608/F. No. 197/72/94-ITA-I]

SADHNA PAVADIA, Under Secy.

नई दिल्ली, 21 सितम्बर, 1994

(आयकर)

का. आ. 3245.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उप-खण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "श्री गोडग महाराज मिशन", बम्बई को कर-निर्धारण वर्ष 1994-95 से 1996-97 तक के लिए निम्नलिखित शर्तों के अध्याधीन रहते हुए उक्त उपखण्ड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (i) कर-निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है ;
- (ii) कर-निर्धारिती ऊपर-उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा II की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (ज्वेलर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों ।

[अधिसूचना सं. 9611 /का. सं. 197/62/94—आयकर नि.-I]

साधना पवाडिया, अवर सचिव

New Delhi, the 21st September, 1994

(INCOME TAX)

S.O. 3245.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies Sree Gadge Maharaj Mission, Bombay for the purpose of the said sub-clause for the assessment years 1994-95 to 1996-97 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for applications, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contribution received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 9611/F. No. 197/62/94-ITA I]
SADHNA PAVADIA, Under Secy.

नई दिल्ली, 21 सितम्बर, 1994

(आयकर)

का. आ. सं. 3246.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 30 के खण्ड (23-ग) के उप-खण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा —“मुख्य मंत्री” राहत कोष, महाराष्ट्र, बम्बई” को कर-निर्धारण वर्ष 1993-94 से 1995-96 तक के लिए निम्नलिखित शर्तों के अध्वधीन रहते हुए उक्त उप-खण्ड के प्रयोजनार्थ अधिमूचित करती है, अर्थात्:—

- (i) कर-निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका संचयन पूर्णतया तथा अनन्यता उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है ;
- (ii) कर-निर्धारिती उपर-उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा II की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की

प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं. 9612/फा. सं. 197/63/94—आयकर
वि.-I]

साधना पवाडिया, अवर सचिव

New Delhi, the 21st September, 1994

(INCOME TAX)

S.O. 3246.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies “Chief Minister's Relief Fund, Maharashtra, Bombay” for the purpose of the assessment years 1993-94 to 1995-96 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for applications, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contribution received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 9612/F. No. 197/63/94-ITA-II]
SADHNA PAVADIA, Under Secy.

नई दिल्ली, 21 सितम्बर, 1994

(आयकर)

का. आ. सं. 3247.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23-ग) के उप-खण्ड (IV) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “मेडिकल रिसर्च फाउंडेशन, मद्रास” को कर-निर्धारण वर्ष 1993-94 से 1995-96 तक के लिए निम्नलिखित शर्तों के अध्वधीन रहते हुए उक्त उपखण्ड के प्रयोजनार्थ अधिमूचित करती है, अर्थात्:—

- (i) कर-निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है ;
- (ii) कर-निर्धारिती उपर-उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा II की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जेवर-जवाहिरात फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में

स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा
अथवा उसे जमा नहीं करवा सकेगा;

- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं. 9613/फा. सं. 197/82/94-आयकर
नि.-I]
साधना पवाडिया, अवर सचिव

New Delhi, the 21st September, 1994
(INCOME TAX)

S.O. 3247.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies 'Medical Research Foundation, Madras' for the purpose of the said sub-clause for the assessment years 1993-94 to 1995-96 subject to the following conditions namely :—

- (i) the assessee will apply its income, or accumulate for applications, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 9613/F. No. 197/82/94-ITA-I]
SADHNA PAVADIA, Under Secy.

नई दिल्ली, 21 सितम्बर, 1994

(आयकर)

का. आ. 3248.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23-ग) के उप-खण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "डिफेंस सिविलियंस वेलफेयर (टी.बी. कैंसर एण्ड लेप्रसी) फण्ड, नई दिल्ली" को कर-निर्धारण वर्ष 1993-94 से 1995-96 तक के लिए निम्नलिखित शर्तों के अधीन रखते हुए उक्त उपखण्ड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (i) कर-निर्धारिती इसकी आय का हस्तेमाल अथवा इसकी आय का हस्तेमाल करने के लिए इसका संवयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के

लिए करेगा, जिनके लिए इसकी स्थापना की गई है;

- (ii) कर-निर्धारिती ऊपर-उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा II की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं. 9614/फा. सं. 197/61/94-आयकर
नि.-I]

साधना पवाडिया, अवर सचिव

New Delhi, the 21st September, 1994

(INCOME TAX)

S.O. 3248.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Defence Civilians Welfare (F.B., Cancer & Leprosy) Fund, New Delhi" for the purpose of the said sub-clause for the assessment years 1993-94 to 1995-96 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for applications, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 9614/F. No. 197/61/94-ITA-I]
SADHNA PAVADIA, Under Secy.

नई दिल्ली, 21 सितम्बर, 1994

(आयकर)

का. आ. 3249:—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23-ग) के उपखण्ड (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा—"गांधीग्राम ट्रस्ट, मद्रुरै" को कर-निर्धारण वर्ष 1990-91 से 1991-92 तक के लिए निम्नलिखित शर्तों

के अध्याधीन रहते हुए उक्त उपखण्ड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

नई दिल्ली, 22 सितम्बर 1994

(आयकर)

- (1) कर-निर्धारिती इसकी आय का हस्तेमाल अथवा इसकी आय का हस्तेमाल करने के लिए इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है ;
- (2) कर-निर्धारिती ऊपर-उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा-II की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;
- (3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों ।

[अधिसूचना सं. 9615/फा.सं. 197/164/93-आयकर नि-I]
साधना पवाडिया, अव्वर सचिव

New Delhi, the 21st September, 1994

(INCOME TAX)

S.O. 3249.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Gandhigram Trust, Madurai" for the purpose of the Said sub-clause for the assessment years 1990-91 to 1991-92 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for applications, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contribution received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 9615/F. No. 197/164/93-ITA-II]

SADHNA PAVADIA, Under Secy.

का.आ. 3250:—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "राष्ट्रीय महिला कोष, नई दिल्ली" को कर-निर्धारण वर्ष 1994-95 से 1996-97 तक के लिए निम्न-लिखित शर्तों के अध्याधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (1) कर-निर्धारिती इसकी आय का हस्तेमाल अथवा इसकी आय का हस्तेमाल करने के लिए इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है ;
- (2) कर-निर्धारिती ऊपर-उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उप-धारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;
- (3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों ।

[अधिसूचना सं. 9616/फा.सं. 197/26/94-आयकर
(नि.-I)]

साधना पवाडिया, अव्वर सचिव

New Delhi, the 22nd September, 1994

(INCOME TAX)

S.O. 3250.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Rashtriya Mahila Kosh, New Delhi" for the purpose of the said sub-clause for the assessment years 1994-95 to 1996-97 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for applications, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;

- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 9616/F. No. 197/26/94-ITA-I]

SADHNA PAVADIA, Under Secy.

नई दिल्ली, 29 सितंबर, 1994

(आयकर)

का.आ. 3251:—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “दि फोरम आफ फाइनेंशियल राइटर्स, नई दिल्ली” को कर-निर्धारण वर्ष 1994-95 से 1996-97 तक के लिए निम्नलिखित शर्तों के अध्यधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (1) कर-निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;
- (2) कर-निर्धारिती ऊपर-उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जेवर-जवाहिरान, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं. 9617/फा.सं. 197/59/94-आयकर नि.-I]

साधना पवाडिया, अवसर सचिव

New Delhi, the 29th September, 1994

(INCOME TAX)

S.O. 3251.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies “The Forum of Financial Writers, New Delhi” for the purpose of the said sub-clause for the assessment years 1994-95 to 1996-97 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for applications, wholly and exclusively to the objects for which it is established;

- (ii) the assessee will not invest or deposit its funds (other than voluntary contribution received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;

- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 9617/F. No. 197/59/94-ITA-I]

SADHNA PAVADIA, Under Secy.

नई दिल्ली, 11 अक्टूबर, 1994

(आयकर)

का.आ. :—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “रायल कॉमनवेल्थ सोसाइटी फॉर दि ब्लाइन्ड, बम्बई” को कर-निर्धारण वर्ष 1993-94 से 1995-96 तक के लिए निम्नलिखित शर्तों के अध्यधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (1) कर-निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा; जिनके लिए इसकी स्थापना की गई है;
- (2) कर-निर्धारिती ऊपर उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा-11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों में भिन्न तरीकों में इसकी निधि (जेवर-जवाहिरान, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं. 9621/फा. सं. 197/65/94-प्र.क. नि.-I]

साधना पवाडिया, अवसर सचिव

New Delhi, the 11th October, 1994

(INCOME TAX)

S.O. 3252.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies “Royal Commonwealth Society for the Blind, Bombay” for the purpose of the said sub-clause for the assessment years 1993-94 to 1995-96 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for applications, wholly and exclusively to the objects for which it is established;

- (ii) the assessee will not invest or deposit its funds (other than voluntary contribution received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;

- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 9621/F. No. 197/65/94-ITA-I]

SADHNA RAVADIA, Under Secy.

नई दिल्ली, 11 अक्तूबर, 1994

(आयकर)

का.आ. 3253 :—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “दि मुस्लिम एजुकेशन सोसाइटी (रजि.), कालीकट” को कर-निर्धारण वर्ष 1993-94 से 1995-96 तक के लिए निम्नलिखित शर्तों के अध्वधीन रहते हुए उक्त उप-खंड के प्रयोजनार्थ अधिमूचित करती है, अर्थात्:—

- (1) कर-निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;
- (2) कर-निर्धारिती ऊपर-उल्लिखित कर-निर्धारण वर्षों में संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा-11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (3) यह अधिमूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में प्रत्यक्ष में लेखा-पुस्तिकाएं नहीं रखी जानी हों।

[अधिमूचना सं. 9622/फा.सं./197/45/94-आयकर नि. I]

साधना पवाडिया, अवर सचिव

New Delhi, the 11th October, 1994

(INCOME TAX)

S.O. 3253.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies “The Muslim Education Society (Regd.), Calicut” for the purpose of the said sub-clause for the assessment years 1993-94 to 1995-96 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for applications, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contribution received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;

- (iii) The notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 9622/F. No. 197/45/94-ITA-I]

SADHNA PAVADIA, Under Secy.

नई दिल्ली, 11 अक्तूबर, 1994

(आयकर)

का.आ. 3254 :—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “इडियन पीपुल्स नैचुरल केनेमिटोज, ट्रस्ट, नई दिल्ली” को कर-निर्धारण वर्ष 1993-94 से 1995-96 तक के लिए निम्नलिखित शर्तों के अध्वधीन रहते हुए उक्त उप-खंड के प्रयोजनार्थ अधिमूचित करती है, अर्थात्:—

- (1) कर-निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;
- (2) कर-निर्धारिती ऊपर-उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा-II की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (3) यह अधिमूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-

निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं. 9623/फा.सं. 197/77/94-आयकरनि.-I]

साधना पवाडिया, अवर सचिव

New Delhi, the 11th October, 1994

(INCOME TAX)

S.O. 3254.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Indian People's Natural Calamities Trust, New Delhi for the purpose of the said sub-clause for the assessment years 1993-94 to 1995-96 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for applications, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contribution received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 9623/F. No. 197/77/94-ITA-I]

SADHNA PAVADIA, Under Secy.

नई दिल्ली, 11 अक्टूबर, 1994

(आयकर)

का.आ. 3255 :—आयकर अधिनियम, 1961 (1961, का 43) की धारा 10 के खंड (23-ग) के उपखंड (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा "जय प्रकाश इन्स्टीट्यूट आफ सोशल चेंज, कलकत्ता" को कर-निर्धारण वर्ष 1994-95 से 1996-97 तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (1) कर-निर्धारिती इसको आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;
- (2) कर-निर्धारिती ऊपर-उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उप-धारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा

अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से हूँ लेखा-पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं. 9624/फा. सं. 197/42/94-आयकरनि.-I]

साधना पवाडिया, अवर सचिव

New Delhi, the 11th October, 1994

(INCOME TAX)

S.O. 3255.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Jayprakash Institute of Social Change, Calcutta" for the purpose of the said sub-clause for the assessment years 1994-95 to 1996-97 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for applications, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contribution received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 9624/F. No. 197/42/94-ITA-I]

SADHNA PAVADIA, Under Secy.

नई दिल्ली, 11 अक्टूबर, 1994

(आयकर)

का.आ. 3256 :—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (ii) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा "डिवाइन लाइट ट्रस्ट फॉर दि ब्लाइन्ड, बंगलौर" को कर-निर्धारण वर्ष 1993-94 से 1995-96 तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (1) कर-निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;
- (2) कर-निर्धारिती पर उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों

- से भिन्न तरीकों से इसकी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान में भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं. 9626/फा.सं. 197/86/94-आ.क.नि.-I]

साधना पवाडिया, अवसर सचिव

New Delhi, the 11th October, 1994

(INCOME TAX)

S.O. 3256.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Divine Light Trust for the Blind, Bangalore" for the purpose of the said sub-clause for the assessment years 1993-94 to 1995-96 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for applications, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contribution received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 9626/F. No. 197/86/94-ITA-I]
SADHNA PAVADIA, Under Secy.

नई दिल्ली, 11 अक्टूबर, 1994

(आयकर)

का.आ. 3257 :—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23-ग) के उपखंड (4) द्वारा प्रदत्त शक्तियों का प्रयोग कर हुए केन्द्रीय सरकार एतद्द्वारा "सेंटर फार एडवांस्ड स्ट्रेटेजिक स्टडीज, पुणे" को कर-निर्धारण वर्ष 1992-93 से 1994-95 तक के लिए निम्नलिखित शर्तों के अध्यधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (1) कर-निर्धारिती इसकी आय का इस्तेमाल अथवा आय का इस्तेमाल करने के लिए इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;
- (2) कर निर्धारिती ऊपर उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी

अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक वंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जेवरजवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;

- (3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएँ नहीं रखी जाती हों।

[अधिसूचना सं. 9627/फा.सं. 1971/114
93-आयकर नि. I]

साधना पवाडिया, अवसर सचिव

New Delhi, the 11th October, 1994

(INCOME TAX)

S.O. 3257.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Centre for Advanced Strategic Studies, Pune" for the purpose of the said sub-clause for the assessment years 1992-93 to 1994-95 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for applications, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contribution received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 9627/F. No. 197/114/93-ITA-I]
SADHNA PAVADIA, Under Secy.

नई दिल्ली, 19 अक्टूबर, 1994

(आयकर)

का.आ. 3258 :—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23-ग) के उपखंड (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा "कैथडलरिलीफ सर्विसिज, कलकत्ता" को कर निर्धारण वर्ष 1993-94 से 1995-96 तक के लिए निम्नलिखित शर्तों के अध्यधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (1) कर-निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका

संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिये इसकी स्थापना की गई है ;

- (2) कर निर्धारिती ऊपर उल्लिखित कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जवर-जवाहरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंश दान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;
- (3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से से लेखा-पतिस्कायें नहीं रखी जाती हों ।

[अधिसूचना संख्या 9632/फा.सं.

197/89/94-आयकर नि.-I]

साधना पवाडिया, अवर सचिव

New Delhi, the 19th October, 1994

(INCOME-TAX)

S.O. 3258. In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Cathedral Relief Services, Calcutta" for the purpose of the said sub-clause for the assessment years 1993-94 to 1995-96 subject to the following conditions, namely :—

- the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than if any one or more of the forms or modes specified in sub-section (5) of Section 11;
- this notification will not apply in relation to any in-being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 9632/F. No. 197/89/94-ITA-I]

SADHNA PAVADIA, Under Secy.

आदेश

नई दिल्ली, 12 अक्टूबर, 1994

स्टाम्प

का.आ. 3259—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (i) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार

एतद्वारा गुजरात औद्योगिक निवेश निगम लि. अहमदाबाद को मात्र उन्तालीस हजार रुपये का समेकित स्टाम्प शुल्क अदा करने की अनुमति देती है जो कि उक्त निगम द्वारा जारी किये जाने वाले मात्र बावन लाख रुपयों के कुल मूल्य के एक-एक लाख रुपये के अंकित मूल्य के ऋण पत्रों के रूप में 1 से 52 तक, की विशिष्ट संख्या वाले बंध-पत्रों के संबंध में 13% जी.आई.आई.वी. बाण्ड, 26वीं शृंखला पर स्टाम्प शुल्क के कारण प्रभाव्य है।

[सं. 32/94-स्टाम्प/फा.सं. 33/37/94-बि.क.]

आत्मा राम, अवर सचिव

(Department of Revenue)

ORDER

New Delhi, the 12th October, 1994

STAMPS

S.O. 3259.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits Gujarat Industrial Investment Corporation Limited, Ahmedabad to pay consolidated stamp duty of rupees thirty nine thousand only, chargeable on account of the stamp duty on 13% G.I.I.C. Bonds, 26th Series bearing distinctive numbers 1 to 52 bonds in the form of debentures of the face value of rupees One lakh each of the aggregate value of rupees Fifty two lakhs only to be issued by the said Corporation.

[No. 32/94-Stamp F. No. 33/37/94-ST.]

ATMA RAM, Under Secy.

केन्द्रीय प्रत्यक्ष कर बोर्ड

शुद्धि पत्र

नई दिल्ली, 28 अक्टूबर, 1994

(आयकर)

का.आ. 3250—आयकर अधिनियम, 1961 (1961 का 43) की धारा 120 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय प्रत्यक्ष कर बोर्ड एतद्वारा दिनांक 5 अगस्त, 1994 की अपनी अधिसूचना सं. 9579 (फा. सं. 186/59/94-आयकर नि. I) में निम्नलिखित संशोधन करना है ।

क्रम सं. 2 की 7वीं लाइन में दिखाई देने वाला शब्द "मुख्यतः" को अधिसूचना से हटाया हुआ समझा जाए तथा क्रम संख्या 2 को निम्नानुसार पढ़ा जाए :—

क्रम	व्यक्ति	उप आयकर	आयकर	आयकर
सं.		आयुक्त	आयुक्त	आयुक्त
			(अपील)	

2. अनिवामी संबंध	उपायुक्त	आयकर	आयकर
कंपनियों के	विशेष रेंज-1	आयुक्त	आयुक्त
कर्मचारियों	देहरादून,	(अपील)	मेरठ
सहित अनिवामी	उत्तर प्रदेश	देहरादून	
कंपनियों/कंसर्गो			

व्यक्ति	व्यक्ति
के कर्मचारी और इस प्रकार की अनिवासी कंपनियों/कंसर्नों के उप-ठेकेदार, जिन्हें तेल एवं प्राकृतिक गैस निगम लि. द्वारा भारत में विभिन्न स्थानों पर उसके संकायों के संबंध में अथवा तेल एवं प्राकृतिक गैस निगम लि. और इस प्रकार की अनिवासी कंपनियों/कंसर्नों उप-ठेकेदारों/प्रति निधियों/ संयुक्त	उद्यमों आदि के बीच करार के अनुसार उसके समुद्र पारीय संकायों के संबंध में तकनीकी अथवा अन्य सेवाओं, रायल्टी आदि सहित औद्योगिक/ वाणिज्यिक कार्यों का निष्पादन करने के प्रयोजनार्थ लगाया गया है।
	अधिसूचना का शेष भाग अपरिवर्तित है।
	[अधिसूचना सं. 9635/फा.सं. 186/59/94-आयकर नि.-I]
	साधना पवाडिया, अधर सचिव

CENTRAL BOARD OF DIRECT TAXES

CORRIGENDUM

New Delhi, the 28th October, 1994

(INCOME-TAX)

S.O. 3260.—In exercise of the powers conferred under Section 120 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby makes the following modification in its Notification No. 9579 (F.No. 186/59/94-ITA-I) dated 5th August, 1994.

The word 'mainly' appearing in 7th line of S.No. 2 should be treated as deleted from the Notification and S.No. 2 be read as under:

S. No.	Persons	Dy. CIT	CIT(A)	CIT
2.	Employees of non-resident companies/concerns including employees of the non-resident affiliates and sub-contractors of such non-resident companies/concerns which are engaged by the Oil & Natural Gas Corp. Ltd. for the purpose of rendering industrial/commercial works, including technical or other services, royalty etc. in relation to its operations at various places in India or in relation to its offshore operations in accordance with the agreement between ONGC Ltd. and such non-resident companies/concerns/sub-contractors/assignees/joint ventures etc.	Deputy Comm. Spl. Range-I, Dehradun, U.P.	Commissioner of Income Tax (Appeals) Dehradun.	Commissioner of Income Tax, Meerut.

The rest of the notification remains unchanged.

[Notification No. 9635/F.No. 186/59/94-ITA-I]

SADHNA PAVADIA, Under Secy.

वित्त मंत्रालय
(आर्थिक कार्य विभाग)
(बैंकिंग प्रभाग)

नई दिल्ली, 7 नवम्बर, 1994

का.आ. 3161.—यतः, बैंककारी विनियमन अधिनियम, 1949 की धारा 45 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा उसके अनुसार केन्द्रीय सरकार ने बैंक आफ बिहार लि. पटना के भारतीय स्टेट बैंक के साथ विलय के लिए 5 नवम्बर, 1969 को एक योजना मंजूर की थी।

यतः, उक्त योजना के खण्ड 6 के उपखण्ड (9) के अधीन भारतीय स्टेट बैंक द्वारा बैंक आफ बिहार लिमिटेड की परिसंपत्तियों का, जिनका नियत तारीख को अन्तिम रूप से मूल्यांकन कर लिया गया है, नियत तारीख से बारह वर्षों की समाप्ति के पश्चात् अन्तिम रूप से मूल्यांकन किया जाना अपेक्षित था।

यतः, भारतीय स्टेट बैंक ने यह अभ्यावेदन किया है कि बड़ी संख्या में परिसंपत्तियां अन्तर्ग्रस्त होने और बैंक के प्रयासों के बावजूद अधिकांश मदों की वसूलियां अभी बाकी होने के कारण बैंक, विलय योजना के खण्ड 6 के उपखण्ड (9) में विनिर्दिष्ट समय के भीतर परिसंपत्तियों का अन्तिम रूप से मूल्यांकन करने में असमर्थ रहा है।

और यतः, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने पर इस बात से संतुष्ट है कि विलय योजना को लागू करने में कठिनाई पैदा हो गई है और उतना समय बढ़ाकर जितने में परिसंपत्तियों का अन्तिम रूप से मूल्यांकन अपेक्षित है, उक्त कठिनाई को दूर करना जरूरी है।

अतः अब बैंक आफ बिहार लिमिटेड, पटना का भारतीय स्टेट बैंक के साथ विलय की 5 नवम्बर, 1969 की विलय योजना के खण्ड 20 द्वारा प्रदत्त शक्तियों का

प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, निदेश देती है कि भारतीय स्टेट बैंक, भारतीय रिजर्व बैंक के परामर्श से तथा उसके अनुमोदन से बैंक आफ बिहार लि. पटना की उन परिसंपत्तियों का, जिनका वसूली और मूल्यांकन नहीं हुआ है, नियत तारीख से छद्दीस वर्षों की अवधि के भीतर मूल्यांकन करेगा।

[संख्या 15/5/94-बी.ओ.ए. I]

बी.एल. सचदेव, अव्वर सचिव

MINISTRY OF FINANCE

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 7th November, 1994

S.O. 3261.—Whereas on 5th November, 1969, a scheme of amalgamation of the Bank of Bihar Ltd., Patna, with the State Bank of India, was sanctioned by the Central Government in exercise of the powers conferred by and in accordance with Section 45 of the Banking Regulation Act, 1949;

Whereas under sub-clause (ix) of clause 6 of the said Scheme, the State Bank of India was required to make a final valuation of the assets of the Bank of Behar Ltd. which have been provisionally valued in the prescribed date, on the expiry of twelve years from the prescribed date;

Whereas the State Bank of India has represented that in view of large number of assets involved and the recovery of most of the items yet to be realised inspite of its efforts, it has not been able to make the final valuation within the time specified in sub-clause (ix) of clause 6 of the scheme of amalgamation.

And whereas the Central Government, after consultation with the Reserve Bank of India, is satisfied that a difficulty has arisen in giving effect to the scheme of amalgamation, which it is necessary to remove by extending the time within which the final valuation of assets is required to be made;

Now, therefore, in exercise of the powers conferred by clause 20 of the scheme of amalgamation dated 5th November, 1969 of the Bank of Behar Ltd., Patna, with the State Bank of India, the Central Government hereby directs that the State Bank of India shall, in consultation with, and with the approval of the Reserve Bank of India, value the assets of the Bank of Behar Ltd., Patna, which have not been realised and valued, within a period of twenty-six years from the prescribed date.

[No. 15/5/94-BOA]

B. L. SACHDEVA, Under Secy.

खान मंत्रालय

नई दिल्ली, 24 अक्तूबर, 1994

का.आ. 3262.—सार्वजनिक परिसर (अनाधिकृत अधिभोगियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत के राजपत्र के भाग-II खण्ड 3(ii) में का.आ.सं. 2819 दिनांक 22 अक्तूबर, 1991 के रूप में प्रकाशित भारत सरकार, इस्पात एवं खान मंत्रालय (खान विभाग) की अधिसूचना के अधिक्रमण में केन्द्रीय सरकार एतद्वारा हिन्दुस्तान जिंक लिमिटेड, उदयपुर एक निगमित प्राधिकरण, के नीचे दी गई तालिका के कालम (1) में उल्लिखित निम्नलिखित अधिकारियों को जो सरकार के राजपत्रित अधिकारियों के स्तर के समतुल्य हैं उक्त अधिनियम के उद्देश्य के लिए सम्पत्ता अधिकारी के रूप में नियुक्त करती है, जो उक्त हिन्दुस्तान जिंक लि. के सार्वजनिक परिसर के बारे में तालिका के कालम (2) में तदनुसूची प्रविष्टियों के निर्दिष्ट उनके संबंधित अधिकार क्षेत्रों की स्थानीय सीमाओं के अंतर्गत उक्त अधिनियम द्वारा अथवा उसके अंतर्गत संपदा अधिकारियों की प्रदत्त शक्तियों का प्रयोग करेंगे और उनको सौंपी गये कर्तव्यों का निष्पादन करेंगे।

तानिका

1	2
अधिकारियों का पदनाम	न्यायाधिकार क्षेत्र की स्थानीय सीमाएं
1. महा प्रबंधक, जावर माइन्स जिला उदयपुर, राजस्थान	गांव जावर, टीसी और अमरपुरा तहसील गिरवा और बलारिया, सिंगटवाड़ा और रावातलाई गांव तहसील सराड़ा, जिला उदयपुर (राजस्थान) में जावर खान समूह।
2. महा प्रबंधक, जिक स्मैल्टर देबारी, डाकघर देबारी, 11 जिला उदयपुर, राजस्थान	आवासीय कालोनी भवन और ओपन लैण्ड और भूमि सहित जिक स्मैल्टर और तहसील गिरवा में गांव देबारी बिछड़ी और तहसील मावलीम, जिला उदयपुर (राजस्थान) में गांव गुडली में तथा जिक स्मैल्टर के अधीन अन्य परिसर।
3. कार्य प्रबंधक, सीसा प्रद्रावक टुण्डू, डाकघर-टुण्डू, जिला धनबाद, बिहार	सम्पूर्ण सीसा प्रद्रावक इसके विभिन्न भवन, आवासीय कालोनी और ओपन लैण्ड और अन्य परिसर में सीसा प्रद्रावक गांव टुण्डू उप मंडल भागमाड़ा, तहसील भागमाड़ा जिला धनबाद (बिहार)
4. महाप्रबन्धक, रापुरा दरीबा खान, डाकघर-दरिबा, जिला राजसामंट, राजस्थान	तहसील रंलमगरा, जिला उदयपुर के गांव दरीबा, राजपुरा, अंजाना, महेन्द्रिया और तहसील कपासन, जिला चित्तोड़गढ़ (राजस्थान) के गांव तकापड़िया में राजपुरा दरीबा खान समूह का सम्पूर्ण खनन पट्टा क्षेत्र (अवाप्त भूमि और उस पर निर्मित भवनों सहित)
5. मुख्य प्रबंधक (प्रशासन) जी जी एम (पी) महाप्रबंधक कार्मिक एवं प्रशिक्षण) हिन्दुस्तान जिक लिमिटेड, यशद भवन, उदयपुर (राजस्थान)	प्रधान कार्यालय भवन, क्वाटर, अतिथिगृह, ड्रिप्सैरी और उदयपुर सिटी (राजस्थान) में स्थित मुख्यालय में कम्पनी के कार्यालय परिसर।
6. महा प्रबंधक, जिक स्मैल्टर, विशाखापत्तनम, आंध्र प्रदेश	सम्पूर्ण जिक स्मैल्टर, आवासीय कालोनी और ओपन लैण्ड और गांव भिडी एव मुलगुंडा जिला विशाखापत्तनम (आंध्र प्रदेश) में अन्य परिसर।
7. उपमहा प्रबंधक/अधीक्षक, खान, मटून माइन्स, जिला उदयपुर, राजस्थान	जिला उदयपुर (राजस्थान) में तहसील गिरवा के ग्राम मटून कानपुर तथा लकरवास में स्थित मटून खानें।
8. खान अधीक्षक, सर्गीपल्ली खान परियोजना, डाकघर सर्गीपल्ली, जिला सुन्दरगढ़, उड़ीसा	गांव कीरीसारा, लोकवागा, नेलीपल्ली, महीकानी, बड़ाबंगा, भारतपुर और इच्छानाला में सर्गीपल्ली का सम्पूर्ण खनन पट्टा क्षेत्र (अवाप्त भूमि और उस पर निर्मित भवनों सहित) डाकखाना सर्गीपल्ली, जिला सुन्दरगढ़, उड़ीसा।

1	2
9. खान अधीक्षक, अग्निगुण्डाला सीसा परियोजना, डाकघर बंडालामोट्ट, जिला गुंटूर, आंध्र प्रदेश	बंडाला मोट्ट गांव में स्थित अग्निगुण्डाला का सम्पूर्ण खनन पट्टा क्षेत्र (अवाप्त भूमि और उस पर निर्मित भवनों सहित) जिला गुंटूर (आंध्र प्रदेश)
10. उप महा प्रबंधक/महाप्रबंधक, चन्देरिया सीसा जस्ता प्रद्रावक, डाक-घर पथौली, जिला-चित्तौड़गढ़ राजस्थान	गांव पथौली, तहसील गंगनार, जिला चित्तौड़गढ़ स्थित चन्देरिया सीसा जस्ता प्रद्रावक जिसमें आवासीय कालोनी, भवन और ओपन क्षेत्र और भूमि एवं धोसुंडा, जिला चित्तौड़गढ़, राजस्थान सहित चित्तौड़गढ़ में चन्देरिया सीसा जस्ता प्रद्रावक सीमा जस्ता प्रद्रावक से संबंधित अन्य परिसर भी शामिल हैं।
11. उपपरियोजना प्रबंधक/ महाप्रबंधक, रामपुरा अगूचा खान, डाकघर अगूचा, जिला भीलवाड़ा, राजस्थान	गांव अगूचा, जिला भीलवाड़ा (राजस्थान) के पास स्थित रामपुरा अगूचा खान, साथ ही आवासीय कालोनी, भवन और ओपन क्षेत्र, भूमि एवं शाहपुरा वाटर पम्प हाउस और बनास नदी बैड वैल साईट सहित रामपुरा अगूचा खान के अंतर्गत अन्य परिसर।
1. महाप्रबंधक, हिन्दुस्तान जिंक लि., डैगाना टंगस्टन परियोजना, डाकघर-नागीर, डैगाना-341503	गांव डैगाना, जिला नागीर में स्थित डैगाना टंगस्टन परियोजना साथ ही आवासीय कालोनी, भवन और ओपन क्षेत्र, भूमि और उन पर निर्मित अन्य प्रीमिसिस और राजस्थान के जिला सिरोंही में बालड़ा परियोजना स्थान।

[फाइल सं. 3(5)/91-मेटल-2]
के.एस. बाजवा, निदेशक

MINISTRY OF MINES

New Delhi, the 24th October, 1994

S.O. 3262—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971) and in supersession of the notification of the Government of India in the Ministry of Steel and Mines (Department of Mines), Published in Gazette of India, Part-II Section 3 (ii) as S.O. No. 2819, dated the 22nd October, 1991 the Central Government hereby appoints the following officers of Hindustan Zinc Limited, Udaipur, a corporate authority, mentioned in column (i) of the Table below, being officer equivalent to the rank of Gazetted Officers of the Government to be estate officers for the purpose of the said Act, who shall exercise the powers conferred and perform duties imposed on estate officers by or under the said Act within the local limits of their respective jurisdictions specified in the corresponding entries in column (2) thereof, in respect of public premises belonging to the said Hindustan Zinc Limited.

TABLE

Designation of the Officers	Local limits of jurisdiction
(1)	(2)
1. General Manager Zawar Mines, District Udaipur Rajasthan	Zawar Group of Mines located in villages Zawar Tidi and Amarpura, tehsil Girwa and villages Bhalaria, Singatwara and Rawatalai, Tehsil Sarada of district Udaipur (Rajasthan).

2. General Manager Zinc Smelter Debari P.O. Debari Dist : Udaipur Rajasthan	Zinc Smelter including the residential colony buildings and open area and land and other premises under the Zinc Smelter in villages debari and Bich di in Tehsil Girwa and village gudli in Tehsil Mavlum, district Udaipur (Rajasthan)
3. Works Manager Lead Smelter Tundoo P.O. Tundoo Dist : Dhanbad Bihar	Complete Lead Smelter, its various buildings residential colony and open land and other premises under the lead smelter in village Tundoo sub-division Bhagmara of district Dhanbad (Bihar).
4. General Manager Rajpura Dariba Mines P.O. Dariba Dist : Rajsamand Rajasthan	Entire mining lease area of Rajpura Dariba group of mines (including land acquired and buildings constructed thereon) in villages Dariba, Rajpura, Anjana, Mahendriya of Tehsil Railmagra, district Rajsamand and village Chakapriya of tehsil Kapasan, district Chittorgarh (Rajasthan).

1	2	3	1	2	3
5. Chief Manager (Administration)/GGM (P)/General Manager (P & A) Hindustan Zinc Ltd., Yashad Bhawan Udaipur (Rajasthan)	Head Office buildings, quarters, guest houses, dispensary and office premises of the Company as at Head quarters located in Udaipur city (Rajasthan).		10. Dy. General Manager/General Manager Chanderiya Lead Zinc Smelter, P.O. Puthauli, Dist. Chittorgarh, Rajasthan.	Chanderiya Lead Zinc Smelter located in village puthauli, Tehsil Gangrar, District Chittorgarh which also includes residential colony, buildings and open areas and land & other premises pertaining to Chanderiya Lead Zinc Smelter at Chittorgarh including Gosunda Dam site, P.O. Gosunda, Dist. Chittorgarh (Rajasthan).	
6. General Manager Zinc Smelter Visakhapatnam Andhra Pradesh	Complete Zinc Smelter residential colony and open land and other premises in villages Mindi and Mulunda Dist. Visakhapatnam. (Andhra Pradesh).		11. Dy General Manager/General Manager Rampura Agucha Mines P.O. Agucha, Dist. Bhilwara, Rajasthan.	Rampura-Agucha Mines, located near village Agucha Dist. Bhilwara Rajasthan, including the residential colony, buildings and open areas, land & other premises under the Rampura Agucha Mines including Banas River Bed Well site and Shahpura Water Pump House.	
7. Dy General Manager/ Superintendent of Mines, Maton Mines Dist : Udaipur Rajasthan.	Maton Mines located in villages Maton, Kanpur and Lakarvas of Tehsil Girwa, District Udaipur (Rajasthan).		1. General Manager, Hindustan Zinc Ltd., Degana Tungsten Project, P.O. Nagore, Degana-341503.	Degana Tungsten Project located in Degana village in Nagore district Rajasthan including the residential Colony, building and open areas land and other premises constructed thereon and Balda project site in Sitohi district of Rajasthan.	
8. Superintendent of Mines, Sargipali Mines Project P.O. Sargipali Dist : Sundergarh Orissa.	Entire mining lease areas of Sargipali (including land acquired and building constructed thereon) in villages Kirsara, Lokdaga, Nailipalli, Mahihani, Badabanga, Bharaput and Iccanals, P.O. Sargipali, District Sundergarh, (Orissa).				
9. Superintendent of Mines, Agnigundala Lead Project, P.O. Bandalamottu Dist. Guntur, Andhra Pradesh.	Entire mining lease area of Agnigundala located in Bandalamottu village (including lands acquired and building constructed thereon). District Guntur, Andhra Pradesh).				

[F. No. 3(5)/91-Met. II]

K.S. BAJWA, Director

स्वास्थ्य और परिवार कल्याण मंत्रालय

नई दिल्ली, 24 अक्टूबर, 1994

का.आ. 3263--केन्द्रीय सरकार, होम्योपैथी केन्द्रीय परिषद् अधिनियम, 1973 (1973 का 59) की धारा 13 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय होम्योपैथी परिषद् में परामर्श करने के पश्चात् उक्त अधिनियम की द्वितीय अनुसूची (जिसे इसमें इसके पश्चात् उक्त अनुसूची कहा गया है) में निम्नलिखित और संशोधन करती है, अर्थात् :-

1. उक्त अनुसूची में "गुजरात" शीर्ष के नीचे क्रम संख्यांक 5 ख और उसमें सम्बन्धित प्रविष्टियों के पश्चात् निम्नलिखित क्रम संख्यांक और प्रविष्टियां अंतःस्थापित की जाएंगी, अर्थात् :-

1	2	3	4
"5 ग सरदार पटेल विषवैद्यशाला	बैचलर इन होम्योपैथिक मेडिसिन एंड सर्जरी (वर्गीकृत डिग्री)	बी. एच. एम. एस. (वर्गीकृत डिग्री)	1987 से और उसके पश्चात्
(क) आणंद होम्योपैथिक मेडिकल कालेज, आणंद	बैचलर इन होम्योपैथिक मेडिसिन एंड सर्जरी (वर्गीकृत डिग्री)	बी. एच. एम. एस. (वर्गीकृत डिग्री)	1987 से और उसके पश्चात्

2. उक्त अनुसूची में, “मध्य प्रदेश” शीर्ष के नीचे, राज्य होम्योपैथी परिषद्, मध्य प्रदेश से सम्बन्धित क्रम संख्यांक 10 ख के सामने स्तंभ 4 में की प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि की जाएगी, अर्थात् :—

“1987 से 1995”

3. उक्त अनुसूची में, “महाराष्ट्र” शीर्ष के नीचे

(क) क्रम संख्यांक 11(ङ) और उससे सम्बन्धित प्रविष्टियों के पश्चात् निम्नलिखित क्रम संख्यांक और प्रविष्टियाँ अंतः स्थापित की जाएंगी, अर्थात् :—

1	2	3	4
“11 छ डा. बाबा साहेब अम्बेडकर मराठवाड़ा विश्वविद्यालय, औरंगाबाद ।	बैचलर आफ होम्योपैथिक मेडिसिन एंड सर्जरी	बी.एच.एम.एस.	1991 से 1995 तक
(क) श्री भगवान होम्योपैथिक मेडिकल कालेज, औरंगाबाद ।	बैचलर आफ होम्योपैथिक मेडिसिन एंड सर्जरी	बी.एच.एम.एस.	1991 से 1995 तक
(ख) एस.के. होम्योपैथिक मेडिकल कालेज, बीड	बैचलर आफ होम्योपैथिक मेडिसिन एंड सर्जरी	बी.एच.एम.एस.	1991 से 1995 तक
(ख) क्रम सं. 12 और उससे सम्बन्धित प्रविष्टियों के पश्चात् निम्नलिखित क्रम संख्यांक और प्रविष्टियाँ अंतः स्थापित की जाएंगी अर्थात् :—			
“12. क. महाराष्ट्र होम्योपैथी परिषद्	डिप्लोमा इन होम्योपैथिक मेडिसिन एंड सर्जरी ।	डी.एच.एम.एस.	सितम्बर 1988 से और उसके पश्चात्
(क) होम्योपैथिक मेडिकल कालेज, खामगांव ।	डिप्लोमा इन होम्योपैथिक मेडिसिन एंड सर्जरी	डी.एच.एम.एस.	सितम्बर 1988 से और उसके पश्चात्
(ख) दक्षिण केसरी मुनि मिश्रीलाल होम्योपैथिक मेडिकल कालेज, औरंगाबाद ।	डिप्लोमा इन होम्योपैथिक मेडिसिन एंड सर्जरी	डी.एच.एम.एस.	सितम्बर 1988 से और उसके पश्चात्
(ग) श्रीजनता होम्योपैथिक मेडिकल कालेज, अकोला ।	डिप्लोमा इन होम्योपैथिक मेडिसिन एंड सर्जरी	डी.एच.एम.एस.	सितम्बर, 1988 से और उसके पश्चात्
(घ) टी. एस. होम्योपैथिक मेडिकल कालेज, अमरावती ।	डिप्लोमा इन होम्योपैथिक मेडिसिन एंड सर्जरी	डी.एच.एम.एस.	सितम्बर, 1988 से और उसके पश्चात्
(ङ) होम्योपैथिक मेडिसिन कालेज, अकोला ।	डिप्लोमा इन होम्योपैथिक मेडिसिन एंड सर्जरी	डी.एच.एम.एस.	सितम्बर, 1988 से और उसके पश्चात्
(च) राजश्री छत्तरपति साहू होम्योपैथिक मेडिकल कालेज, इस्लामपुर ।	डिप्लोमा इन होम्योपैथिक मेडिसिन एंड सर्जरी	डी.एच.एम.एस.	सितम्बर, 1988 से और उसके पश्चात्
(छ) पी.सी. होम्योपैथिक मेडिकल कालेज, चन्द्रपुर ।	डिप्लोमा इन होम्योपैथिक मेडिसिन एंड सर्जरी	डी.एच.एम.एस.	सितम्बर, 1988 से और उसके पश्चात्

1	2	3	4
(ज) होम्योपैथिक मेडिकल कालेज, नागपुर ।	डिप्लोमा इन होम्योपैथिक मेडिसिन एंड सर्जरी	डी.एच.एम.एस.	सितम्बर, 1988 से और उसके पश्चात्
(झ) भगवान होम्योपैथिक मेडिकल कालेज, औरंगाबाद ।	डिप्लोमा इन मेडिसिन एंड सर्जरी	डी.एच.एम.एस.	सितम्बर, 1988 से और उसके पश्चात्
(ञ) होम्योपैथिक मेडिकल कालेज, चन्द्रवाड़ ।	डिप्लोमा इन होम्योपैथिक मेडिसिन एंड सर्जरी	डी.एच.एम.एस.	सितम्बर, 1988 से और उसके पश्चात्
(ट) डी.एस. होम्योपैथिक मेडिकल कालेज, पुणे ।	डिप्लोमा इन होम्योपैथिक मेडिसिन एंड सर्जरी	डी.एच.एम.एस.	सितम्बर, 1988 से और उसके पश्चात्
12 ख पूना विश्वविद्यालय :—	(i) बैचलर ऑफ होम्योपैथिक मेडिसिन एंड सर्जरी (सीधे)	(i) बी.एच.एम.एस.	(i) 1995 तक (सीधे)
(क) डी.एस. होम्योपैथिक मेडिकल कालेज, पुणे ।	(ii) बैचलर ऑफ होम्योपैथिक मेडिसिन एंड सर्जरी (वर्गीकृत डिग्री)	(i) बी.एच.एम.एस.	(i) “1995 तक ।” (वर्गीकृत डिग्री)
4. उक्त अनुसूची में, “तमिलनाडु” शीर्ष के नीचे क्रम सं. 13 च और उससे संबंधित प्रविष्टियों के पश्चात् निम्नलिखित क्रम संख्यांक और प्रविष्टियां अंतः स्थापित की जाएंगी, अर्थात् :—			
“13 छ. तमिलनाडु होम्योपैथिक परिषद, मद्रास	डिप्लोमा इन होम्योपैथिक मेडिसिन एंड सर्जरी	डी.एच.एम.एस.	1988 से और उसके पश्चात्
(क) व्हाइट मैमोरियल होम्योपैथिक मेडिकल कालेज, अट्टूर ।	डिप्लोमा इन होम्योपैथिक मेडिसिन एंड सर्जरी	डी.एच.एम.एस.	1988 से और उसके पश्चात्

[सं. बी. 27021/12/88-होम्यो. (एचपीसी)]
बी.सी. मेहता, डैस्क अधिकारी (होम्यो.)

पाठ टिप्पण—मूल अधिसूचना, भारत के राजपत्र-असाधारण-भाग-2, खंड-1 में सं. का.आ. 76, तारीख 20-12-1973 में प्रकाशित की गई और तत्पश्चात् उसमें निम्नलिखित द्वारा संशोधन किया गया :—

का.आ. 3325, तारीख 4-11-1978

का.आ. 1517, तारीख 26-2-1983

का.आ. 1481, तारीख 12-3-1983

का.आ. 3099, तारीख 24-3-1986

का.आ. 2048, तारीख 24-3-1986

का.आ. 2270, तारीख 24-5-1986

का.आ. 2449, तारीख 1-8-1990

का.आ. 2501, तारीख 1-8-1990

का.आ. 2502, तारीख 21-8-1990

का.आ. 710, तारीख 20-2-1992

का.आ. 891, तारीख 5-3-1992

का.आ. 1210, तारीख 23-4-1992

का.आ. 978, तारीख 28-4-1993

MINISTRY OF HEALTH & FAMILY WELFARE

New Delhi, the 24th October, 1994

S.O. 2363.—In exercise of the powers conferred by sub-section (2) of section 13 of the Homoeopathy Central Council Act, 1973 (59 of 1973), the Central Government after consulting the Central Council of Homoeopathy, hereby makes the following further amendments in the Second Schedule (hereinafter referred to as the said Schedule) of the Said Act, namely:—

1. In the said Schedule, under the heading 'Gujarat' after S.No. 58 and the entries relating thereto, the following S.No. and entries shall be inserted, namely:

1	2	3	4
"5C Sardar Patel University	Bachelor in Homoeopathic Medicine and Surgery (Graded Degree).	B.H.M.S. (Graded Degree)	From 1987 onwards.
(a) Anand Homoeopathic Medical College, Anand.	Bachelor in Homoeopathic Medicine and Surgery (Graded Degree).	B.H.M.S. (Graded Degree).	From 1987 onwards."

2. In the said Schedule under the heading 'Madhya Pradesh' against S.No. 10B relating to the State Council of Homoeopathy, Madhya Pradesh, in column 4, for the entry, the following entry shall be substituted, namely:

"from 1987—1995"

3. In the said Schedule, under the heading 'Maharashtra'

(a) after S.No. 11E and entries relating thereto the following S.No. and entries shall be inserted, namely:

"11F Dr. Babasaheb Ambedkar Marathwada University, Aurangabad:	Bachelor of Homoeopathic Medicine and Surgery.	B.H.M.S.	From 1991 to 1995.
(a) Shri Bhagwan Homoeopathic Medical College, Aurangabad.	Bachelor of Homoeopathic Medicine and Surgery.	B.H.M.S.	From 1991 to 1995
(b) S.K. Homoeopathic Medical College, Beed.	Bachelor of Homoeopathic Medicine and Surgery	B.H.M.S.	From 1991 to 1995.

(b) after S.No. 12 and entries relating thereto, the following S.No. and entries shall be inserted, namely:

"12A Maharashtra Council of Homoeopathy	Diploma in Homoeopathic Medicine and Surgery.	D.H.M.S.	From Sept. 1988 onwards.
(a) Homoeopathic Medical College Khamgaon.	Diploma in Homoeopathic Medicine and Surgery	D.H.M.S.	From Sept. 1988 onwards.
(b) Dakshin Kesari Muni Mishrilalji Homoeopathic Medical College, Aurangabad.	Diploma in Homoeopathic Medicine and Surgery	D.H.M.S.	From Sept. 1988 onwards.
(c) Shri Janata Homoeopathic Medical College, Akola	Diploma in Homoeopathic Medicine and Surgery	D.H.M.S.	From Sept. 1988 onwards.
(d) T.S. Homoeopathic Medical College, Amravati	Diploma in Homoeopathic Medicine and Surgery.	D.H.M.S.	From Sept. 1988 onwards.
(e) Homoeopathic Medical College, Akola.	Diploma in Homoeopathic Medicine and Surgery.	D.H.M.S.	From Sept. 1988 onwards.
(f) Rajrishi Chatarpati Sahu Homoeopathic Medical College, Islampur.	Diploma in Homoeopathic Medical and Surgery	D.H.M.S.	From Sept. 1988 onwards.

1	2	3	4
(g) P.C. Homoeopathic Medical College, Chandrapur.	Diploma in Homoeopathic Medicine and Surgery.	D.H.M.S.	From Sept. 1988 onwards
(h) Homoeopathic Medical College, Nagpur.	Diploma in Homoeopathic Medicine and Surgery.	D.H.M.S.	From Sept. 1988 onwards.
(i) Bhagwan Homoeopathic Medical College, Aurangabad.	Diploma in Homoeopathic Medicine and Surgery.	D.H.M.S.	From Sept. 1988 onwards.
(j) Homoeopathic Medical College, Chandwad.	Diploma in Homoeopathic Medicine and Surgery.	D.H.M.S.	From Sept. 1988 onwards.
(k) D.S. Homoeopathic Medical College, Pune.	Diploma in Homoeopathic Medicine and Surgery.	D.H.M.S.	From Sept., 1988 onwards."
"12b. University of Poona	(i) Bachelor of Homoeopathic Medicine and Surgery (Direct).	(i) BHMS (Direct)	(i) upto 1995.
(a) D.S. Homoeopathic Medical College Pune.	(ii) Bachelor of Homoeopathic Medicine and Surgery (Graded Degree).	(ii) BHMS (Graded Degree)	(ii) upto 1995."

4. In the said Schedule under the heading 'Tamil Nadu' after S.No. 13F and entries relating thereto, the following S.No. and entries shall be inserted, namely:

"13G Tamil Nadu Homoeopathic Council, Madras.	Diploma in Homoeopathic Medicine and Surgery.	D.H.M.S.	From 1988 onwards.
(a) White Memorial Homoeopathic Medical College, Attoor.	Diploma in Homoeopathic Medicine and Surgery.	D.H.M.S.	From 1988 onwards.

[No. V. 27021/12/88-Homoeo(HPC)]

B.C. MEHTA, Desk Officer (Homoeo)

Foot Note : The principal Notification was published in No.S.O. 76 dated the 20th December, 1973 in Gazette of India-Extra-ordinary part II Section I and subsequently amended vide

S.O. 3325 dated 04-11-1978
 S.O. 1517 dated 26-02-1983
 S.O. 1481 dated 12-03-1983
 S.O. 3099 dated 21-06-1985
 S.O. 2048 dated 24-03-1986
 S.O. 2270 dated 24-05-1986
 S.O. 2449 dated 01-08-1990
 S.O. 2501 dated 01-08-1990
 S.O. 2502 dated 21-08-1990
 S.O. 710 dated 20-02-1992
 S.O. 891 dated 05-03-1992
 S.O. 1210 dated 23-04-1992
 S.O. 4978 dated 28-04-1993.

विद्युत मंत्रालय

नई दिल्ली, 19 अक्टूबर, 1994

का.आ. 3264 केन्द्रीय सरकार, विद्युत (प्रदाय) 1948 (1948 का 54) की धारा 29 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, एक स्कीम में अंतर्बलित होने वाले प्राक्कलित पूंजी व्यय के रूप में एक सौ करोड़ रुपये से अधिक केन्द्रीय विद्युत प्राधिकरण को उसकी सहमति के लिये ऐसी स्कीम को प्रस्तुत करने के प्रयोजन के लिये नियत करती है।

[फा.सं. 25(4)/89-डी. (ई. ई. बी.)]

ए.के. उपाध्याय, संयुक्त सचिव

MINISTRY OF POWER

New Delhi, the 19th October, 1994

S.O. 3264.—In exercise of the powers conferred by sub-section (1) of section 29 of the Electricity (Supply) Act, 1948 (54 of 1948), the Central Government hereby fixes exceeding one hundred crore of rupees as estimated capital expenditures to involve in a Scheme for the purpose of submitting such scheme to the Central Electricity Authority for its concurrence.

[F. No. 25/4/89-D(SEB)]

A. K. UPADHYAY, Jt. Secy.

श्रम मंत्रालय

नई दिल्ली, 19 अक्टूबर, 1994

का.आ. 3265.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार उद्ब्यू सी एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण, अम्बई नं. 2 के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-10-94 को प्राप्त हुआ था।

[सं. एल-22012/245/89-आई आर (सी-II)]

ब्रज मोहन, डेस्क अधिकारी

MINISTRY OF LABOUR

New Delhi, the 19th October, 1994

S.O. 3265.—In pursuance of Section 17 of the Industrial Disputes Act 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Bombay No. 2 as shown in the Annexure in the industrial dispute between the employers in relation to the management of W.C. Ltd. and their workmen, which was received by the Central Government on the 19-10-1994.

[No. L-22012/245/89-IR-C(II)]

BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2 BOMBAY

PRESENT:

Shri S. B. Panse Presiding Officer.
Reference No. CGIT-2/59 of 1993

Employers in relation to the management of M/s. Western Coalfields Limited, Sasti Sub Area.

AND

Their workmen.

APPEARANCES:

For the Employers : 1. Mr. P.S. Nair
2. Mr. A.K. Sasi Advocates.

For the workmen : Mr. J. L. Bhoot Advocate.
Bombay, dated, 28th September, 1994

AWARD

By order No. L-22012(245)/89 IR(Coal-II) dated January 15, 1990, the Government of India, Ministry of Labour, New Delhi referred the industrial dispute to this Tribunal for adjudication under section 10(1)(D) of the Industrial Disputes Act of 1947. It is in the following terms:

"Whether the action of the Management of Sasti Sub Area of M/s. W.C. Ltd. in denying to correct the date of birth of Sri Sheikh Rafique, Screen Trammar of Sasti Colliery as 8-10-1941 is justified? If not, to what relief the workman concerned is entitled?"

2. Mr. Sheikh Rafique after receipt of the notices had filed his statement of claim of Exh. 3/W. He contended that he joined the services of Ballapur Collieries Co. Ltd. on 29-9-1963. He filled up the form 'B'. After the closure of that Company, he was transferrad to Sasti Colliery in the year 1970. In 1973, the Coal Industry was nationalised.

3. The proper record in respect of the workers in the Coal Industry was not available with the management. It is therefore, a decision was taken by the Joint Bipartite Committee for the Coal Industry to correct the service record of the Employees. In 1987, the Employees were given four copies of the performa of service record to fill up the information correctly. The workman found that the date of birth and his appointment date was wrongly mentioned therein. He raised objection. The management corrected only the date of appointment and not the date of birth. The School Leaving Certificate of the Workman shows his date of birth to be 8-10-1941 which is a correct date. By making wrong entries in respect of the date of birth, the workman was compelled to retire nine years before the retirement date. The Union prayed for making correct entry of the date of birth of the workman and give consequential reliefs.

4. The management disputed the claim of the workman. It is contended that an opportunity was given to the workman to raise objection, at the initial stage, but he did not raise the same. Later on when the objections were raised it was noticed by the management that in the service record, in the Provident fund Office the date of birth was 1-7-32. The record which was produced by the worker was found to be non-genuine. Therefore the management rejected his prayer. It is averred that the union contended his date of birth as 1-7-45 which is contrary to the averment made by the worker. It is submitted that under such circumstance there is no genuineness in the School Leaving Certificate, and the dispute which is raised by the worker may be rejected. It is also averred that the reference is bad in law. The worker is not entitled to any relief.

5. My Predecessor decided the matter Ex-parte on 15th April, 1991. The worker being aggrieved by that decision preferred writ petition No. 747 of 1992 which came to be allowed and the matter was sent back for fresh hearing. The worker produced a copy of the judgement in the writ petition. Thereafter, the matter was re-opened and heard by me. The points that followed my consideration and my findings thereon are as follows:

ISSUES

FINDINGS

- | | |
|---|------------------|
| 1. Whether the present reference is bad in law? | In the negative |
| 2. Whether the correct date of birth of the workman Shri Sheikh Rafique is 8-10-1941? | In the negative. |

- | | |
|---|---------------------|
| 3. Whether the action of the management of Sasti Sub Area of M/s. W.C. Ltd. in denying to correct the date of birth of Shri Sheikh Rafique, Screen Trammer of Sasti Colliery as 8-10-1941 is justified? | In the affirmative. |
| 4. If not to what relief the workman concerned is entitled? | Does not survive |
| 5. What Award? | As per order below |

REASONS

6. It is not in dispute that in the year 1987 the joint Bipartite Committee of Coal Industry's meeting was held on Augst 19 & 20 of 1987. In that meeting the determination and verification of age of the employees and for the resolution of the disputed case of service record was formulated. The age determination committee was constituted.

7. It is not in dispute that the worker joined the service on 29th September, 1963, in the capacity of packing master. At the time of the recruitment he admits to have filled the form "B". Mr. S. L. Joshi, Deputy personnel manager (Exh. 14/M & M/23) affirmed that when the worker joined the services of the Company, his Bio-data was filled up in Form 'B' as required. The Form 'B' register shows the name of the employee, Father's name, Address, date of birth and other particulars of the employee concerned. These particulars are filled up by the management on the basis of the information given by the worker. These entries are counter signed by the worker as a token of acceptance of the entries in the said record. Exh. M/1 is an extract from the Register 'B' wherein the date of birth is shown to be 1st July, 1932. On this form it is mentioned by the worker that his date of birth is 1st July, 1945 and the appointment date is 29th September, 1962. So far as the appointment date is concerned, it was corrected. But so far as the date of birth is concerned, his claim was rejected. While rejecting the claim of the workman, the committee observed that:

"The date of birth will remain as per the CPPF and from the record that is 1st July, 1932, as no authentic record is received or date of appointment is confirmed."

It speaks that the document which was produced by the worker was a wage slip which is also produced before me along with Exh. W/30 which shows the date of birth to be 1st July, 1945. It is tried to suggest to the witnesses of the management that the date which is mentioned on the wage slip is correct one. Mr. Joshi, the witness for the management affirmed that the birth date is mentioned on the salary slip on the basis of the Company's record. But he further said that this date he is not sure whether is correct one or not. It is to be accepted that the birth date which is mentioned on the salary slip is not correct date as per the Company's record, because in the Company's record admittedly the date of birth which is mentioned is 1st July, 1932.

8. Mr. Botalal Shah, (Exh. 15/M) a Clerk from the Sasti Colliery affirms that the entries on the form 'B' register were duly filled up and they were explained to him i.e. the worker and his presence and he has counter signed the same after accepting the same. He admits that the entries in that register are made by two persons, but his testimony is important on the point that the particulars were explained to the workers and then he signed the same in his presence. There is no reason why his testimony has to be rejected.

9. Mr. Bhalchand Prasad Yadav (Exh. M/26) is a clerk working in the Provident Fund Office. He produced the record from the Office (Exh. M/27 & M/28) wherein the date of birth of the worker is shown to be 1st July, 1932. He admits that these forms are filled up on the basis of the information given by the management. As it is so, it cannot be said that this witness had proved nothing more than the record of the management. It can not be said that the worker 2506 GI/94—4

himself had given information to the P.F. Office and than the entries were made.

10. That takes me to the evidence on which the worker wants to rely namely the School Leaving Certificate (Annexure "C"). Mr. Sakaram Jagannath Borkute (Exh. W/24) is the teacher from the Zilla Parishad Higher Secondary High School No. 2. He affirmed that he had brought the Dhakal Kharij Register for the period 1933 to 1948 which is in Urdu language. He does not know Urdu and therefore admits to have issued the transfer certificate which is given by the Head Master of the School (Exh. 11M). He confirms his signature, and identifies it. He did not produce the translation of the register which was in Urdu language and has certified the same. As stated, it is to be said that there is no evidence in respect of that register. He had brought the transfer certificate issue register. He admits that the transfer certificate was given to the worker on 28th August, 1982. He had not worked with the Head Master Mr. Raut and therefore it is difficult to accept that he is in a position to identify the hand writing of the Head Master Mr. Raut. He affirms that the register (which is in Urdu) was signed by the District Education Officer, but the particular entry is not signed by him. From the testimony of Mr. Sakaram I am not inclined to accept that the entry in the School Leaving Certificate is a correct one. The birth date which is mentioned in the School Leaving Certificate is 8th October, 1941.

11. There are other reasons for rejecting the School Leaving Certificate. It is because, he is shown to be admitted in the 1st standard on 11th April, 1946 and his birth date is shown as 8th October, 1941. It is at the age of five he was admitted in the school in the 1st standard. It is a common knowledge that in the older days, a boy is admitted in the school at six or seven years of age and not before that. Furthermore Mr. Shaikh admits that he was educated upto 1st standard. But from the School Leaving Certificate it appears that he left the school in 1950. That means he was taking education for four years in that school. It is difficult to accept that he was studying for four years in the 1st standard.

12. The workman first came with the case that his date of birth is 1st July, 1945, then he has changed it to 8th October, 1941. It goes to show that he is not to be relied upon. As against that a constant stand is taken by the management that when a workman was employed in the services he gave his birth date to be 1st July, 1932. It was recorded in the Company's record and necessary entries to that effect were made thereafter.

13. Nothing was shown on behalf of the management which can be said to be a relevant fact for coming to the conclusion that the reference is bad in law. For all these reasons I return my findings on the points accordingly and pass the following order:

ORDER

1. The action of the Management of Sasti Sub Area of M/s. W.C. Ltd. in denying to correct the date of birth of Sri Sheikh Rafique, Screen Trammer of Sasti Colliery as 8th October, 1941 is justified.
2. No order as to costs.

S. B. PANSE, Presiding Officer

नई दिल्ली, 19 अक्टूबर, 1994

का.आ. 3266.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डब्ल्यू सी एल. के प्रबंधन के संबंध निोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1 बम्बई के पंचपट को प्रकाशित करनी है, जो केन्द्रीय सरकार को 19-10-94 को प्राप्त हुआ था।

[सं. एल-22012/285/91-आई आर (सी.-II)]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 19th October, 1994

S.O. 3266.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 1, Bombay as shown in the Annexure in the industrial dispute between the employers in relation to the management of W. C. Ltd. and their workmen, which was received by the Central Government on the 19-10-1994.

[No. L-22012/285/91-IR(C.II)]
BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, BOMBAY

PRESENT :

Shri Justice R. G. Sindhakar, Presiding Officer.
Reference No. CGIT-39 of 1992

PARTIES :

Employers in relation to the management of W. C. Ltd.,
Chandrapur.

AND

Their Workmen.

APPEARANCES :

For the Management : Shri Kapoor G. S., Advocate.
For the Workmen : Shri Pendre.

INDUSTRY : Mining.

STATE : Maharashtra

Bombay, dated the 12th day of September, 1994

AWARD

The following reference has been made to this Tribunal by the Government of India, Ministry of Labour, New Delhi, by letter dated 21-5-1992 :

"Whether the dismissal of Shri Haridas Kisan Sabde, Casual Labour from December 1985 by the Sub Area Manager, New Majri, W. C. Ltd., Wani Chandrapur and non-production of the records by them is legal and justified? If not, to what relief the concerned workman is entitled to?"

2. Statement of claim has been filed on behalf of the workman by the Lal Rawata Koila Kamgar Union, hereinafter referred to as the Union. It is stated therein that, Shri Haridas Kisan Sabde was appointed without any appointment letter and he worked as a Casual Labourer alongwith other workmen from January 1984 and without any notice, he was dismissed in December 1985. According to the statement of claim, the other Casual Labourers namely Messrs. Parkhi, Bobde, Bagat, etc., were working alongwith him without any appointment letters. It is further stated that, he had worked for more than 240 days between January 1984, and December 1985 and affidavits of his co-workers have been filed. It is urged that the provisions of section 25F have not been complied with, though he had been in continuous service for over a year within the meaning of section 25B of the Industrial Disputes Act, 1947. The contention therefore, is, that the termination is illegal, void, and inoperative and that he should be paid back wages, holding that he continues to be in service.

3. Written statement has been filed on behalf of the management opposing the claim, and it is further stated that this is not an industrial dispute within the meaning of section 2(k) of the Act, and that the union is not a Union of the Colliery and not even operating in the New Majri Colliery, has no following or very insignificant following of workmen in that colliery. The contention is that for raising an industrial dispute, the union should have significant support and following of the workmen concerned. Besides, no appropriate steps have been taken by passing resolution or by any other steps to constitute this matter as an industrial dispute. The union has no authority to raise an industrial dispute in respect of the workmen in the New Majri Colliery. The union be

called upon to produce the Registration Certificate, Membership Register etc. It is further contended that the union did not take up this matter or grievance of the employee with the employer at any time before initiating the proceedings before the Asstt. Labour Commissioner (Central) and the Conciliation Officer at Chandrapur, which was necessary to constitute an industrial dispute. It is also stated that since Shri Sabde was never in the employment of the management the question of holding an enquiry and his dismissal never arose. Besides it is stated that no dispute was ever raised and the present one is overstate. Jurisdiction of this Tribunal and maintainability of the reference is also questioned.

4. So far as the records are concerned, it is submitted that the preservation period is only one year under law, and that the records were not available with the employer when the union raised the present dispute before the Asstt. Labour Commissioner. It is alleged that knowing this position, the union has raised this dispute so late, to take advantage of the situation. The other allegations made on behalf of the union are denied and prayer for rejecting the reference is made.

5. Preliminary issues have been framed, and they are to the following effect :—

ISSUES

FINDINGS

1. Whether it is an industrial dispute within the provisions of I.D. Act?

Yes

2. Whether the union can raise the present dispute?

No.

6. After the affidavits were filed, the parties agreed that the matter be decided on the basis of the affidavits and the documents on record, and the matter was therefore, heard.

7. The case of the union is that Shri Sabde, was an employee, a Casual Labourer on the establishment of the W.C.L., and which is disputed. However, the contention of the union is that he had worked for more than 240 days in a year preceding the date of his termination and therefore, was entitled to the protection of section 25F of the Industrial Disputes Act, and since that was not complied with, the termination is bad in law. It is a nadmitted position, that there was no notice of termination/retranchment, no appointment of Enquiry Committee and if it is so, there would be no compliance of the provisions of section 25 of the Act. I am assuming this, for the purpose of this point that he was an employee. He had put in 240 days of service in the preceding year. In such an event, the dispute can be raised even by an individual employee and can be an industrial dispute, in view of the provisions of section 2A of the Act. In that event, finding will have to be recorded on preliminary issue No. 1, accordingly.

8. The second point raised is, whether the union can raise this dispute, as the union has no substantial support in that colliery. Since this has not been admitted on behalf of the management and affidavit has been filed in support of the contention, it was necessary for the union to produce relevant documentary evidence in support of the following that the union enjoys in that colliery. Mere production of the Registration Certificate may not be sufficient. However, apart from that, there is also no evidence to show that he was a member of the union. In the circumstances, preliminary issue No. 2 will have to be answered accordingly.

9. The management has filed two affidavits one of Shri Sharavan Kumar, who was working as a Special Grade Clerk, and stated therein that during the year 1984-85, he used to mark attendance of the Casual Employees working in the Civil Department and there was nobody by name H. K. Sabde, employee in the New Majri Colliery in 1984-85, and therefore, production of his attendance record did not arise. Two persons have filed affidavits on behalf of the workman, to say that he was alongwith them. These two persons are Shri Theodra Khondaiya, and Shri Ghanshyam P. Phogat. They stated that Shri H. K. Sabde was working as a Casual Labourer in 1984-85, and that Shri Sharavan Kumar used to mark their attendance. This statement has been denied by Shri Sharavan Kumar in his affidavit. The other affidavit is of Shri Phogat. He does not say anything about Shri Sabde. He speaks of himself. The fact which is required to be emphasised here is, that Shri Sabde has not filed any affidavit

in support of his case in the proceedings before me. The affidavit of the other two witnesses are as vague, as they could be. Apart from that, the affidavit of Shri Shravan Kumar disproves the allegations. In the circumstances, absence of Shri Sabde's affidavit assumes significance. It has not been also shown as to why he has not filed any affidavit in support of his own case. In view of this, it is difficult to hold that he has worked as Casual Labourer as contended by the union. In that event, termination, much less illegal termination would not arise.

10. The other affidavit filed on behalf of the management is of Shri R. B. Mishra, working with W.C.L., as Dy. Personnel Manager of the same Colliery. He had been working as the Senior Personnel Officer at the relevant time, and therefore, he has stated that he is conversant with the facts and circumstances related to the present case. He also denied that, Shri Sabde was in the employment of W.C.L. He further stated that since the records were not available with the management when the dispute was raised before the ALC in 1990, since the statutory preservation period was over, and therefore, the same could not be produced by the management, and that the same could not be produced before this Tribunal since the same are not now available.

11. I find that it is not shown that Shri Sabde was in the employment of W.C.L. and that he worked continuously for one year within the meaning of section 25 (2B) of Act, and therefore, entitled to the protection of section 25F of the Act. In the circumstances, he will not be entitled to reinstatement with back wages. No relief can be granted.

Award accordingly.

R. G. SINDHAKAR, Presiding Officer

नई दिल्ली, 20 अक्टूबर, 1994

का.आ. 3267.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बम्बई पोर्ट ट्रस्ट के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1, बम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-10-94 को प्राप्त हुआ था।

[संख्या एल-31012/5/93-आई आर(मिस.) /
एल-31012/3/93-आई आर (मिस.)]
के. वी. बी. उण्णा, डेस्क अधिकारी

New Delhi, the 20th October, 1994

S.O. 3267.—In pursuance of Section 17 of the Industrial Disputes Act 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 1, Bombay as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bombay Port Trust and their workmen, which was received by the Central Government on 19-10-1994. [No. L-31012/5/93-IR(Misc.)/No. L-31012/3/93-IR(Misc.)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL NO. I AT BOMBAY

PRESENT:

Shri Justice R. G. Sindhakar, Presiding Officer.

REFERENCE NO. CGIT-40 OF 1993

PARTIES :

Employers in relation to the management of Bombay Port Trust

AND

Their workmen

REFERENCE NO. CGIT-41 OF 1993

PARTIES:

Employers in relation to the management of Bombay Port Trust.

AND

Their workmen

APPEARANCES:

For the Management : Shri M.B. Anchan, Advocate.
For the Workman : No appearance

INDUSTRY : Ports & Docks

STATE : Maharashtra

Bombay, dated the 7th day of September, 1994

AWARD

These two references are for adjudication of the grievance of the union in respect of termination of the services of the workmen.

Unfortunately the union has not so far filed any statement of claim in any one of them. It is not therefore possible to know the basis of the grievance and adjudicate upon it. In the absence of the statement of claim the management is also unable to file written statement.

I therefore find it difficult to hold that the dismissal of workmen is unjustified and unable to give any relief to the workmen.

Award accordingly.

R. G. SINDHAKAR, Presiding Officer

नई दिल्ली, 20 अक्टूबर, 1994

का.आ. 3268.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में फूड कारपोरेशन आफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण भुवनेश्वर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-10-94 को प्राप्त हुआ था।

[सं.एल.-22012/115/एफ/91/आई आर (सी-II)]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 20th October, 1994

S.O. 3268.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Bhuvaneswar as shown in the Annexure in the industrial dispute between the employers in relation to the management of Food Corporation of India and their workmen, which was received by the Central Government on 19-10-1994.

[No. L-22012/115/F/91-IR (C-II)]

BRAJ MOHAN, Desk Officer

ANNEXURE

INDUSTRIAL TRIBUNAL, ORISSA, BHUBANESWAR

PRESENT :

Sri P. K. Tripathi, M.A. LL.B.,
Presiding Officer, Industrial Tribunal,
Orissa, Bhubaneswar.

Industrial Dispute Case No. 39 of 1991 (Central)

Bhubaneswar, the 19th September, 1994

BETWEEN

The management of Food Corporation of India Ltd.,
Berhampur, Dist. Ganjam. . . First Party-management.

AND

Their workman Sri Golak Behari Barik, represented
through 'The Food Corporation Workers' Union, 58,
Diamond Harbour Rad, Calcutta. . . Second party-
workman.

APPEARANCES :

Sri Kishore Chandra Bishoyi, Advocate—for the 1st Party-
management.

Sri D. Mahanta, Advocate—for the 2nd Party-Workman.

AWARD

In exercise of the powers u/s 10(1)(d) and sub-Section 2-A of Section 10 of the Industrial Disputes Act, 1947 (for short the 'Act'), the Ministry of Labour of the Government of India have forwarded the following quoted schedule of reference for adjudication vide their Order No. L-22012/115/F/91-IR (C-II) dated 6-12-91 :—

"Whether the demand of F.C.I.W. Union for regularisation of service of Sri Golak Behari Barik, Water Carrier-cum-Messenger w.e.f. 9-9-87 and payment of wages at par with other Departmental workers of F.C.I. (of similar cadre) with retrospective effect is justified? If so, what relief the workman is entitled to?"

2. In connection with the aforesaid reference, the case of the workman is that his father late Hari Barik was working as a Water Carrier-cum-Messenger from 1981 to 1987 and after his inability to work the workman was engaged on 9-9-87 and he continuously worked till 30-9-90 on the basis of payment at the rate of Rs. 10 per day. Time to time he was paid exgratia in lieu of bonus at the rate of 8.33%. Though he worked for long but his service was neither regularised nor he was paid equal pay with the regular employees of the equal cadre of the F.C.I. On the other hand, when he made such a demand through the Food Corporation of India Workers' Union (for short 'Union') on 7-6-90 he was verbally directed by the Asst. Manager, F.C.I. F.S.D., Bhubaneswar not to come to the work any more. However, since there was no written order issued, the workman continued to come to work and according to him till today he is working there though the management does not pay any wage or remuneration. His further case is that on the basis of the correspondences made by the Union a labour dispute conciliation was taken-up by the Asst. Labour Commissioner (Central), Bhubaneswar and on different dates the conciliation was taken-up. During the conciliation proceeding the officials appearing on behalf of the management admitted about the aforesaid status of the workman as an employee and regarding engaging him on daily wage basis with assurance to regularise his service but did not take any such step and as such, on 23-1-91 a failure report was submitted by the A.L.C. (C), Bhubaneswar which has culminated in the present reference. The workman has claimed that the verbal direction of the Asst. Manager in directing him not to come to work amounts to an illegal retrenchment and that should be declared as void, he should be reinstated and regularised in service and following the principle of 'equal pay for equal job' he should be paid the minimum time scale of the equal cadre with effect from 9-9-87 till

the date of regularisation of his service by a regular appointment. In that connection, he has further stated in his claim statement that one Sri S.C. Das and many other such casual workers appointed as Water Carriers have been regularised in service and so far as it relates to Sri S. D. Das, his service was regularised on the basis of the decision of the Hon'ble High Court.

3. The pleas of the management in the written statement, inter-alia, are that the father of the workman was never engaged as a casual worker nor the workman was appointed as a Water Carrier-cum-Messenger at any time. In that connection, the management has stated that, to meet with the contingencies and eventualities and when required to engage labourers for casual types of work, the Asst. Manager is competent to meet the expenditure from the contingent fund. The Asst. Manager has no power or authority to appoint even a Grade-IV employee. Hence, the workman who was engaged as a temporary and casual worker is not entitled to the benefits claimed by him (in his claim statement). The management has further stated that cessation and discontinuation of the service of the workman does not amount to retrenchment and as such, no retrenchment compensation was paid. He has further stated that the workman was casual engaged for certain temporary period. The type of the job being temporary and there being no regular post called Water Carrier-cum-Messenger and when recruitment to the Class-IV posts are being done by the superior authorities in the hierarchy than the Asst. Manager and such recruitment being done on the basis of recruitment examination and the workman having not qualified in any of the aforesaid manner, he can not be regularised in service. So far as the equal pay for equal work is concerned, the management has said that since it was a casual employment only for carrying water from the tap or the well the workman is not entitled for equal wage at par with the salary of the Class-IV employees. The management has further contended that the A.L.C. (C) had no jurisdiction to initiate a conciliation proceeding and his conciliation report does not reflect the truth and that this proceeding is not maintainable in the eye of law. In connection with the case of Sri S. C. Das the management has stated that the Board of Directors adopted a principle and according to that Sri S. C. Das was eligible for regularisation in service and under such circumstances the matter was not contested in the High Court. In addition to that, the management has further stated that in the said decision of the High Court no guideline has been given for regularisation of the service of the workers of the said category. According to the management that ratio is confined to that case only.

4. On the basis of the aforesaid rival pleadings of the parties, the following issues have been framed :—

ISSUES

1. Whether the demand of F.C.I.W. Union for regularisation of service of Sri Golak Bihari Barik, Water Carrier-cum-Messenger with effect from 9-9-87 and payment of wages at par with other Departmental workers of F.C.I. (similar cadre) with retrospective effect is legal and justified?

2. To what relief, if any, Sri Barik is entitled?

5. To substantiate his case, the workman has examined himself as W.W. No. 1 and one Dhamananda Samal, Labour Supervisor of the F.C.I. as W.W. No. 2. The workman has relied upon a xerox copy of the letter dated 16-8-90 from the Asst. Manager to the District Manager regarding the workman and another similar letter dated 30-7-91 which have been respectively marked as Exts. 1 and 2. The xerox copy of the conciliation failure report dated 23-1-91 has been marked as Ext. 3, xerox copy of the certified copy of the order of the Hon'ble Court in O.J.C. No. 839 of 1988 dated 21-3-89 relating to Sri S. C. Das has been marked as Ext. 4, office order dated 26-7-90 confirming the erstwhile casual employees under probation has been marked as Ext. 5 and a telegram instructing termination of the service of the workman dated 16-10-90 has been marked as Ext. 6. The management has led the evidence of M.W. No. 1 Kartik Chandra Jena, the present Depot Incharge at Bhubaneswar

and also Exts. A and A/1, two receipts granted by the workman in proof of receipt of wages.

6. Keeping in view the aforesaid pleadings and the evidence, the first point which is required to be decided is as to whether the second party was ever engaged as a Water Carrier-cum-Messenger in the Office of the Asst. Manager, F.C.I., Bhubaneswar Depot and for which period he has worked if at all he was engaged and what was the rate of wages paid to him.

7. In that connection, there is little confusion in the mind of the management and it has not come with a straight forward case and only went on denying to the facts pleaded in the claim statement without positively putting forward a case on the aforesaid aspect. In other words, it may be noted here that the management in its written statement has not stated specifically as to on which date the second party-workman was engaged and on which date his further engagement was done away with. On the other hand, the management has denied the manner in which the workman has pleaded that first his father was working as a water Carrier and after his inability to work due to sickness the second party was appointed in September '87 on a wage of Rs. 10 per day as a Water Carrier-cum-Messenger. The denial in the written statement is perhaps due to the use of the term 'appointment' and 'Water Carrier-cum-Messenger' used in the claim statement. Be that as it may, the positive evidence in record i.e. the evidence of W.W. Nos. 1 and 2, Exts. 1 and 2 and the evidence of M.W. No. 1 and Exts. A and A/1 prove the aforesaid point in favour of the workman, in the manner as stated below.

To avoid repetition of facts, it may be stated that the second party as W.W. No. 1 has precisely deposed in support of the facts stated in the claim statement. There has been no substantial cross-examination to dispute his statement that he was engaged and paid in the aforesaid manner. W.W. No. 2 has also lend his corroborative version to the evidence of W.W. No. 1. Remarkable thing is the evidence of M.W. No. 1 who has also lend support to the case of the workman in the aforesaid aspect. In that context, the following passage from his evidence is quoted below :—

Paragraph 4: "I have seen the present workman working as a Water Carrier since 1988 till the date of refusal. Prior to him his father was working as a Water Carrier in Bhubaneswar Depot. In addition to his work as a Water Carrier the management was entrusting him the work in the post office. He was also being asked to make purchase of jute twine etc. for official use in the Depot. He was refused to employment as because the District Manager, Berhampur passed order to that effect."

Paragraph 3: "To supply water to the officers and employees during working hours is a perennial nature of work."

In addition to that it is clearly mentioned in Ext. 1 i.e., a letter sent by the Asst. Manager, F.C.I. (under whom the workman worked) that not only Hari Harik but also the present workman worked under the management. In Ext. 2, the other letter from the Asst. Manager to the Regional Manager it has been mentioned that the second party was appointed on full time basis and a chart showing payment made to him from October '87 to September '90 has been mentioned. That goes to show that save and except the holidays, on all working days during each of the calendar month the second party worked and paid at the rate of Rs. 10 per day from October '87 till September '90 i.e., for 36 months equal to three years. It also appears from that document that on 22-9-87 he was paid exgratia. Exts. A and A/1 are proof of the fact payment was made to the second party. Thus, the aforesaid evidence leaves no room for doubt to answer the aforesaid question in favour of the workman that he was engaged by the Asst. Manager F.C.I. Bhubaneswar Depot as a Water Carrier-cum-Messenger in the aforesaid period on full time basis and during that period not only he rendered the service as a Water

Carrier but also was engaged to do some other similar type of job of carrying dak or making purchase for the office which is expected to be done by a Class-IV employee and inspite of that he was paid on a daily rated basis which is not equivalent to the minimum pay scale of the employee of the equal category by the relevant date. It also reveals from the aforesaid evidence that from October '87 till September '90 the second party was engaged by the management and as there is no further report regarding payment after 1990 and Ext. 6 (a telegram) revealing that on 16-10-90 was taken to instruct the Asst. Manager to disengage the workman, the stand of the workman appears to be correct when he says that though payment was stopped but he still worked. In that connection, it may further be stated that W.W. No. 1 in his evidence in examination-in-chief has stated that "I am in the regular employment of the management and have been performing varieties of work. xx xx xx. The management thereafter being vindictive removed me from job in 1990. Only on the request of the employees working there I am performing my duty as before and for my sustenance they are contributing some amount to me. I have been attending the work in the post office, bank, electrical office, telephone office on behalf of the management. In addition thereto, I am supplying water, tea etc. to the employees working there." This evidence of W.W. No. 1 was not disputed by the management while cross-examining him. Thus, from the aforesaid evidence, it is clear that the management did not recognise his attendance after September 1990 though the workman is attending the office on the request of certain employees.

8. Be that as it may, the above discussed oral and documentary evidence thus proves that the workman worked under the Asst. Manager, being engaged by him continuously for a period of 36 months from October '87 to September '90 and during that period not only he did the work of supplying water but also attended to other jobs of a Class-IV category of workmen. During that period, for actual working days the 2nd party was paid at the rate of Rs. 10 per working day. The admission of M.W. No. 1 (quoted evidence) is sufficient to corroborate the stand taken by the 2nd party besides being proving that aspect of the case.

9. The M.W. No. 1 has completely given a go-bye to the case of the management regarding the nature of engagement and the nature of that job i.e., whether perennial or not. On the other hand, the management has led no evidence to show that due to certain rules or regulations, inspite of the aforesaid happening, the 2nd party is not eligible to be regularised. On the other hand it has admitted regarding regularising the service of S.C. Das who was engaged in the similar manner like the present 2nd party. The management has not tried to bring in to record, if any distinguishable fact, or circumstances were there in favour of Sri Das. As it appears from Exts. 4 and 5, as per the Hon'ble Court, his service was regularised and he was kept on probation and later on confirmed.

10. At this stage, the question which falls for consideration is as to whether the act of the management in disengaging the workman amounts to retrenchment or does it fall within the exception mentioned in sub-clause (bb) of Section 2(oo) of the Act. The management relying on the decision reported in A.I.R. 1993 S.C. Page 115 (Surendra Kumar Gyani Vs. State of Rajasthan) has advanced the argument that the termination is not retrenchment, so the provisions of Section 25-F of the Act was not required to be followed. The facts of the cited case is distinguishable from the facts in this case, in as much as, in the cited case the facts were that, certain temporary posts were created/ sanctioned and temporary appointments as Class-III employees were made and extended from time to time until regular posts were created/sanctioned and until such posts were being filled-up through regularly recruited candidates. Such is not the facts in the present case, in as much as, in the present case according to the management there is no post of Water Carrier-cum-Messenger and the job of Water Carrier is a casual type of work and does not require full time engagement. (Though in that connection evidence of M.W. No. 1 is quite contrary and accordingly finding has already been recorded). Hence, the ratio of the cited case is not applicable.

1. The management has not come-up with a specific case that the 2nd party was engaged for a specific period and after expiry of that period, his case has suffered consequence of automatic cessation of more and non-renewal of service can not be regarded as retrenchment. On the other hand, the bare facts established from the evidence in record goes to show that the workman was in continuous employment for a period of 36 months during October '87 till end of September '90. Hence, keeping in view the provisions of Section 25-F of the Act it can be safely said that the act of the management in disengaging the workman amounts to retrenchment without following the procedure in Section 25-F of the Act. In that connection, it may be noted here that as per the ratio propounded in A.I.R. 1986 S.C. page 458 (Workmen of A.E.I.B. Corporation Vrs. Management of A.E.I.B. Corporation), the Sundays and holidays falling during the relevant period are to be counted as working days in favour of the workman while computing the number of working days u/s 25-F of the Act. It has also been held by the Hon'ble Supreme Court in the decision reported in A.I.R. 1986 S.C. page 132 (H. D. Singh Vrs. Reserve Bank of India) that striking off the name of the workman from rolls amounts to retrenchment.

12. Keeping in view the above discussed evidence, the legal position and the evidence available in record, it may be summed up that :

- (i) the workman was engaged as a Water Carrier but he was directed to attend full time and during such period he attended to other office work, which is expected to be done by a Grade-IV employee.
- (ii) during October '87 to September '90 he was actually engaged for 71 days in 1987 (October to December), 292 days in 1988, 319 days in 1989 and 232 days in 1990 (from January to September) i.e. to say totally for a period of 914 days (Ext. 2 be seen). During this period he was paid wage at the rate of Rs. 10 per day with exgratia for a period.
- (iii) The aforesaid engagement thus means that the workman was engaged continuously and uninterruptedly from October '87 to September '90. It further reveals that in each of the years, 1988, 1989 and 1990 the workman has worked for more than 240 working days.
- (iv) Refusal of further engagement to him is retrenchment as defined in Section 2(oo) of the Act and it does not fall within the mischief of the provisions in clause (bb) of sub-section 2(oo). None the less, the management did not comply with the provisions in Section 25-F of the Act. Hence, that provision has been contravened with respect to the workman and his disengagement is illegal in the eye of law.
- (v) the post of Water Carrier is a perennial nature of job which is evident from Exts. 1 and 2 and evidence of M.W. No. 1.

13. After recording the aforesaid findings the next points which fall for consideration are as to whether the workman is entitled for equal remuneration at par with the Grade-IV employees of the management and to what relief he is entitled to. For the sake of convenience both the points are discussed and decided together as hereinafter. In that connection, the different points raised by the parties are dealt with one after the other.

14. The management has contended that since the workman volunteered to work on a daily wage basis at the rate of Rs. 10 per day, as such he can not claim equal pay with the Class IV employees (Category IV) of the F.C.I. The aforesaid argument has been repelled by the workman and it has been contended by him that as per the ratio propounded in the decisions reported in A.I.R. 1986 S.C. page 584 (Surinder Singh and another Vrs. The Engineer in Chief, C.P.W.D. and others), A.I.R. 1987 SC, Page 2342 (Daily Rated Casual Labour employed under P&T Dept. through Bharatiya Dak Tar Mazdoor Manch Vrs. Union of

India and others) and A.I.R. 1990 S.C. Page 371 (Bhagwati Prasad Vrs. Delhi State Mineral Development Corporation), he is entitled to equal pay for the equal job done by him during the past period commencing from October '87 to September '90 and thereafter till the date of regularisation in service. In all the three cited authorities their Lordships of the Hon'ble Supreme Court have been pleased to propounded that the doctrine of equal pay for equal work is not a mere abstract doctrine and when equal type of job is being performed by the regular employees and the casual worker belonging to the same category, he is entitled to equal pay. Keeping in view the aforesaid principle, if the facts of the present case is analysed, then it appears that when the workman was initially engaged he was required to do the job of supplying water. Such a type of job was not within the duty of any of the Category-IV employees. Therefore, the contention of the management is sustainable to that extent but it is the evidence of M.W. No. 1 read with the evidence adduced from the side of the workman that during the aforesaid period of engagement the workman was also directed to attend the office full time and to perform the job of any other employee of Category-IV. In that view of the matter, when the workman has done similar type of job which was expected to be done by a Category-IV employee, he is entitled to equal wage per day which is equivalent to 1/30th (one thirtieth) of the minimum basic available to an employee belonging to Category-IV.

15. The management's contention that the workman was not regularly recruited staff member makes no difference so far as the aforesaid finding is concerned, in as much as, for long three years between 1987 to 1990 the job which was performed by the workman was found to be required in the department and during that time the workman worked to the satisfaction of the management for which there was no disengagement due to unsatisfactory work. On the other hand, disengagement was made because the higher officers in the hierarchy wanted his removal. Apart from that nothing has been placed before this Tribunal through the evidence of M.W. No. 1 or through any documentary evidence showing the minimum qualification and requirements necessary for recruiting a person to Category-IV type. On the other hand, the case of S. C. Das is a positive example where the management accepted the direction of the Hon'ble High Court to regularise him in service though he was also not a duly recruited person to be employed under the management. The aforesaid discussions thus leads this Tribunal to record a finding that the workman is entitled for equal wage in the aforesaid manner. Since the workman at no point of time from October '87 till September '90 raised any objection to the wage offered to him and received by him and since he raised the same point only during the conciliation proceedings, therefore, the theory of 'equal pay for equal work' shall be made applicable and equal wage shall be paid in the aforesaid manner to the workman with effect from 1-10-90 prospectively.

16. As per the aforesaid findings, the act of disengagement of the workman by the management with effect from 1-10-90 is in violation of the provisions of Section 25-F of the Act. Thus, it is an illegal retrenchment. The workman having worked under the management for more than 240 days in each of the three preceding years of his service, he is entitled to be regularised in service. Besides that, the nature of work done by the workman being a perennial one and the workman having experienced by doing the job of a Class-IV employee is also entitled for regularisation in service. The workman is thus entitled for 1/30th (one thirtieth) of the minimum monthly salary of a Grade-IV employee as his daily wage from the date of retrenchment (i.e., from 1-10-87) till the date of regularising him in service. He is to be regularised in service within a period of two months from the date of the Award. He shall be eligible for realisation of the arrears wages in a lawful manner if it is not paid to him by the management within a period of two months from the date of publication of the Award.

The reference is answered accordingly.

Dictated and corrected by me.

P. K. TRIPATHY, Presiding Officer

नई दिल्ली, 20, अक्टूबर, 1994

का.आ. 3269 — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसर्गण में एम सी सी एल. के प्रबंधन, के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक विवाद अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है, जो कि केन्द्रीय सरकार को 20-10-94 को प्राप्त हुआ था।

[सं. एल-22012/451/90-आई आर (सी-II)]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 20th October, 1994

S.O. 3269.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Hyderabad as shown in the Annexure in the industrial dispute between the employers in relation to the management of S.C.C. Ltd and their workmen, which was received by the Central Government on the 20-10-94.

[No. L-22012/451/90/IR(C-II)]

BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL HYDERABAD

PRESENT:

Sri Y. Venkatachalam, M.A., B.L., Industrial Tribunal

Dated : 5th day of October, 1994

INDUSTRIAL DISPUTE NO. 16 of 1991

BETWEEN

Secretary, S.C.M.L. Union, P.O.

Kalyanikhani, Dt. Adilabad-504231. --PETITIONER

AND

General Manager, M/s. S.C.C.Ltd.,

P.O. Kalyanikhani, Dt. Adilabad. (A.P.)—RESPONDENT

APPEARANCES:—

M/s. K. Vasudeva Reddy & Susheel Kumar Dubey,
Advocate for the Petitioner.M/s. K. Srinivasa Murthy & G. Sudha, Advocate for
the Respondent.

AWARD

The Government of India, Ministry of Labour, by its Order No. L-22012(451)/90-IR(C.II), dt. 18-2-1991 referred the following dispute under Section 10(1)(d)(2A) of the Industrial Disputes Act, 1947 between the Workmen and the Management of Singareni Collieries Company Limited, Mandamarri to this Tribunal for adjudication:

"Whether the action of the management of S.C. Co. Ltd., Mandamarri Area is justified for not rectifying the anomaly of pay of S/Sri T. Iyalaiah, U. Balaiah, N. Posham, J. Iyalaiah, H. Lingaiah and K. Raji Reddy. Senior Workers in comparison of Sri A. Madanaiah, Pump Operator, Junior worker or not? If not, to what extent the workmen are entitled to?"

This reference was registered as Industrial Dispute No. 16 of 1991 and notices were served on both the parties.

2. The brief facts of the claim statement filed by the Petitioner Union read as follows : It is to submit that all the workmen, on whose behalf the above I.D. was raised, were appointed in the Singareni Collieries Company Limited long before and have been working since the in the same company. It is to submit that all the workmen are covered by National Coal Wage Agreement (NCWA) which will be

made once in four years by Joint Bipartite Committee on Coal Industry at the National level. It is to submit that Sri T. Iyalaiah, U. Balaiah and N. Posham were promoted to Category IV w.e.f. 1-9-1985 and confirmed in that category on 20-4-1986 whereas Sri H. Ajuiah, J. Iyalaiah, H. Lingaiah and K. Raji Reddy were promoted to Category IV w.e.f. 1-3-1986 and were confirmed on 1-6-1986. They were drawing a basic pay of Rs. 34.50 as on 1-1-1987 in NCWA-III pay scale. After the commencement of NCWA-IV, their basic pay was fixed at Rs. 54.06 per day, whereas in the same department Sri Arepalli Madanaiah, who was also working as Pump Khalasi, who was promoted to Category IV in the year 1988 and drawing Rs. 32.10 in the NCWA-III Scales, was fixed at Rs. 55.38 per day in the NCWA IV pay scales. Thus, a junior i.e. Arepalli Madanaiah who was promoted to Category-IV much later to the above workmen was fixed at Rs. 55.38 in the NCWA-IV pay scales whereas the above workmen, though they are seniors to Sri Arepalli Madanaiah were given only Rs. 54.06 per day in NCWA-IV pay scales. That as a result of above anomaly in fixation, a junior is getting higher basic pay of Rs. 1.32 per day than his seniors. The Respondent did not consider their grievance in proper perspective and rejected the same. It is to submit that implementation instructions issued on behalf of IBCCI-IV clearly reveals that if the junior in the same cadre is getting more pay than his senior then the pay of the senior can be refixed at least on par with their junior who is getting more pay than his seniors. In the similar circumstances, pay of the many workmen who comes under the purview of NCWA was refixed on par with their juniors. It is to submit that the Respondent refused to entertain the genuine grievance of the above workmen on the pretext that wage anomaly arising between the daily rated workmen cannot be rectified. When the Respondent is rectifying the anomalies of one section of workmen. The same cannot be denied other section of people, especially when all of them are covered under NCWA. In catena of judgements of the Hon'ble Supreme Court of India held that senior pay should be protected atleast on par with their juniors. In should be protected at least on par with their juniors. In the instant case, Sdi Arepalli Madanaiah who was working in same department with the same designation, who junior to the above workman, was fixed a basic pay of Rs. 55.38 per day whereas the above workmen though they are seniors to him were fixed only at Rs. 54.06. Unless the above anomaly is rectified basic pay of the above workmen is refixed atleast on par with their junior i.e. Arepalli Madanaiah w.e.f. the date when the wage anomaly has arisen, the above workmen will be put to great hardship and irreparable loss. The genuine grievance of anomaly in basic fixation of the above workman is denied by the Respondent only on the ground that there are no instructions in this regard to rectify the wage anomalies of the daily rated workman, whereas the same respondent are stepping up the pay of the monthly rated employees who complaint the wage anomaly. It is therefore prayed that this Hon'ble Tribunal may be pleased to pass an Award in favour of the workman.

3. The brief facts of the counter filed by the Respondent-Management read as follows :

The fixation of wages/salary to the six claimants are as per Annexure II-C of the settlement. The National Coal Wage Agreement IV which is apart of the settlement. The following are the details of the workmen in dispute with regard to their fixation. At the time of promotion to Category IV the basic pay fixations of the workmen in dispute were done in accordance with the NCWA-III and with effect from 1-1-1987 their basic were revised as per NCWA-IV Scales. It is denied that the workmen in dispute were drawing basic pay of Rs. 34.50 as on 31-1-1986 in NCWA-III pay scales and that their basic pay was fixed at Rs. 54.06 at the commencement of NCWA-IV. The workmen in dispute were drawing a basic of Rs. 32.10 (in respect of T. Iyalaiah, U. Balaiah, N. Posham and J. Iyalaiah) and H. Lingaiah and Raji Reddy were drawing Rs. 31.30 ps as on 31-12-1986 in NCWA-III Scales and after introduction of NCWA-IV scales from 1-1-1987 all the above persons were given to basic pay of Rs. 50.10 with effect from 1-1-1987. On granting annual increments their basic pay was fixed at Rs. 51.42 ps. as on 1-3-1987 Rs. 52.57 as on 1-3-1988 and Rs. 54.06 as on 1-3-1989 and so on. Sri A. Madanaiah was promoted to Category IV as on 1-8-1988 and prior to his promotion he was drawing Rs. 50.50

in Category III as on 1-3-1987 and Rs. 11.18 as on 1-3-1988. On promotion to Category IV w.e.f. 1-8-1988 the basic pay of Sri Arepalli Madanaiah was appropriately fixed at Rs. 54.06 and after earning annual increment his basic pay was Rs. 55.38 as on 1-3-1989. As has already been stated it is not their case that the settlement has been violated. Even otherwise when there are large number of employees working in various mines in daily rated categories there are bound to be certain employees, especially when employees are transferred from one mine to another and very often mines are closed or when the work is reduced, drawing more pay than their seniors. A person may be senior in a mine, but when he goes to the other mine he may be junior to those who are already there, which are all matters arise when over 1.20 lakh employees are there and 72 mines and various other departments are there and recruitment is not to a particular mine and it is a general recruitment and so this kind of difficulty will arise and it is not possible to upgrade persons just because they happen to be seniors to others who are already working there. That is why the Joint Bipartite Committee for the Coal Industry which deals with entire coal industry and also the Standardisation Committee felt that these things are bound to happen when there are large number of mines are there and transfer are frequent and it does not in any way deprive the rights of these employees and they are paid as per the terms of the settlement and they are not deprived of their benefits. There are no merits in the petitioners claim and this Hon'ble Industrial Tribunal may be pleased to dismiss the claim petition and reject the reference.

4. The point for adjudication is whether the action of the Respondent-Management is justified for not rectifying the anomaly of pay of S/Sri T. Iylaiah U. Balaiah. N. Posham, J. Iylaiah, H. Iingaiah and K. Rafi Reddy. Senior Workers in comparison of Sri A. Madanaiah. Pump Operator. Junior workers or not?

5. WW1 to WW3 were examined on behalf of the Petitioner-Union and marked Exs. W1 to W4. MW1 is examined on behalf of the Respondent-Management and marked Exs. M1 to M5.

6. WW1 is Teppu Iylaiah. He deposed in brief that he was given Category IV in the month of September, 1985. Before commencement of N.C.W.A. IV his basic pay was Rs. 34.50 per day. After the commencement of NCWA IV pay scales his basic pay was re-fixed Rs. 54.00 per day. One Sri Arepalli Madanaiah is also working as Pump Operator in the same building department of Singareni Collieries Company Limited, at Mandamarti. Aronalli Madanaiah was given Category IV wages in the year 1988. Before commencement of N.C.W.A. IV pay scales Sri Arepalli Madanaiah used to get Rs. 32.10 per day as basic pay. After commencement of N.C.W.A. IV pay scales Aronalli Madanaiah was given Rs. 55.89 ps. per day as basic pay. Presently he is getting Rs. 60.65 as basic pay per day. In spite of his representation, no possible action has been taken by the Company. He therefore request this Hon'ble Tribunal to direct the management to rectify the wage anomaly and to fix his basic pay on par with his junior Sri Arepalli Madanaiah. Ex. W1 is the office order dt. 20-1-1986 showing his pay fixation in Category IV w.e.f. 1-9-1985.

7. WW2 is J. Iylaiah. He deposed that he was promoted as Pump Operator in the year 1963. He was given Category IV in the year 1986. Before Commencement of NCWA IV Pay scales his basic pay was Rs. 34.50 per day. Presently he is getting his basic pay Rs. 59.34 per day. Sri Aronalli Madanaiah is also working with him as Pump Operator in the same department. Sri Aronalli Madanaiah was given Category IV wages in the year 1988.

8. WW-3 is M. Venkateswarlu. In brief he deposed that he is the Vice President of the Union in which the concerned workmen are the members as such he is authorised to depose before this Hon'ble Tribunal. All the concerned workmen in this I. D. are working as Pump Operators at Building Department of Singareni Collieries Company Limited, Mandamarti. Out of 7 workmen three were promoted to Category IV in the year 1985, the remaining four were promoted as Category IV Pump Operators in the year 1986. The Union and the workmen submitted many representations pointing out the wage anomaly and requested the management to fix the seniors pay on par with the junior i.e. A. Madanaiah.

But the management failed to rectify the wage anomaly. Ex. W4 is the xerox copy of implementation instruction No. 18 dated 28-12-1989 issued by the manner Secretary JBCCI IV clearly states that all the anomalies of wages can be certified and the seniors may be equated to be the juniors. Therefore an Award may be passed in favour of the workmen directing the Respondent to fix the pay of the concerned workmen of this I. D. on par with their junior Sri Arepalli Madanaiah.

9. MW-1 is J. Laxminarayana. In brief he deposed that he is the Dy. Personnel Manager in Singareni Collieries. To give a national wage coal wage board was constituted called Joint Bipartite for Coal Industry. With regard to raising issues and decided anomalies a standardisation committee was constituted. INTUC is part of it. From 1988 at any time this issue was not raised. At the time of making payment no protest was done by the employee. Fixment was correct but their claim is not correct. We can explain the fixation was done to T. Iylaiah, U. Balaiah and others, Sri T. Iylaiah and three others were drawing the wages at the basic of Rs. 32.10 and two others were drawing the basic of Rs. 31.30 as on 31-12-1986. After 1-1-1987 i.e. after the advent of N.C.W.A. IV their basic was fixed at Rs. 50.10 as per the schedule given by N.C.W.A. They have drawn increment on 1-3-1987, 1-3-1988 and 1-3-1989 and as on 1-3-1989 their basic stood on Rs. 54.06. In the case of A. Madanaiah he was in Category III and was promoted to Category IV on 1-8-1988. As per the Schedules his basic was fixed correctly and as on 1-3-1989 he was drawing a basic of Rs. 55.38. There is no anomaly arises. There is no loss where wages is fixed from daily rated to daily rated and daily rated to monthly rate and monthly rate to monthly wages.

10. The case of the Petitioner Union that all the concerned workmen in this dispute are working as Pump Operators at Building Department of Singareni Collieries Company Limited Mandamarti. Three workmen out of them were promoted to Category IV in the year 1985 and the remaining three workmen were promoted as Category IV Pump Operators in the year 1986. It is seen that Sri Arepalli Madanaiah was also working as Pump Operator at the same Department where the disputed workmen are working. Sri Arepalli Madanaiah is also a Pump Operator like the workmen of this dispute. It is seen that Sri Arepalli Madanaiah was given promotion as Category IV Pump Operator in the year 1988 before commencement of N.C.W.A. IV the basic wage of the concerned workmen in this dispute is Rs. 34.50. N.C.W.A. IV wages were actually given and basic wages are fixed in the year 1989 but with effect from 1-1-1987. At the time of effecting the basic wages pertaining to N.C.W.A. IV the concerned workmen were fixed with basic wage of Rs. 54.06. But Sri Arepalli Madanaiah who was junior to the workmen in dispute in the category of IV Pump Operator was given a basic wage of Rs. 55.38 ps. in the year 1989. A perusal of the record would indicate that the Union and the Workmen submitted several representations pointing out the wage anomaly and requested the management to fix the seniors pay on par with the junior i.e. Sri Aronalli Madanaiah but the Respondent-Management failed to implement the same. Ex. W-4 is the crucial document i.e. National Coal Wage Agreement IV Implementation instruction No. 18 dated 28-12-1989 which reads thus :

"Sub : Anomalies in fixation of pay arising out of senior employees in the same pay scales covered by the same seniority list in a cadre getting lower pay than their juniors.

The above mentioned subject was discussed at the standardisation committee meetings held on 14th and 15th December 1989 and it was decided that implementation instruction for the removal of anomalies arising out of senior employees getting lower pay than their juniors arising out of implementation of NCWA-IV must be issued as was done under NCWA-III.

It has been pointed out that in some cases, employees who are senior in the same pay scales and covered by the same seniority list in a cadre have secured fixation at a lower stage than their juniors in the

same cadre who were promoted after 1-1-1987 (after implementation of NCWA-IV) even though the said senior employees were getting prior to their promotion the same pay or higher pay in NCWA-III pay scales as their juniors in question. It has been decided that such individual cases will be checked up and where such an anomaly has occurred, the pay of senior employees in the individual cases will be stepped up to the level of the pay of junior employees concerned from the date the anomaly has arisen (i.e.) after 1-1-87 and from the date the junior was promoted giving rise to the anomaly in question. It has to be ensured that for the removal of the anomalies, the basic conditions stipulated above would have to be fulfilled before initiating any action 3.

You are requested to take necessary action to implement the above decision."

The above instructions clearly states that all the anomalies of wages can be rectified and the seniors should be equated to the juniors. I find that the claim of the petitioner Union that the workmen in dispute are entitled to be fixed the pay of the concerned workmen on par with their juniors i.e. Sri Arepalli Madaniah from the date when he was given basic pay of Rs. 55.38 with all other consequential reliefs.

11. In the result, the action of the Management of Singareni Collieries Company Limited, Mandamarri Area is not justified for not rectifying the anomaly of pay of S/Sri T. Iylaiah, U. Balaiiah, N. Posham, J. Iylaiah, H. Linaiiah and K. Raji Reddy, Senior Workers in comparison of Sri A. Madaniah, Pump Operator, Junior worker. The Respondent Management is directed to fix the pay of the concerned workmen on par with their Junior Sri Arepalli Madaniah from the date when he was given basic pay of Rs. 55.38 with all other consequential reliefs.

Award passed accordingly.

Typed to my dictation, given under my hand and the seal of this Tribunal, this the 5th day of October, 1994.

Y. VENKATACHALAM, Industrial Tribunal-I

Appendix of Evidence

Witnesses Examined for Workmen :

WW-1—Teppa Iylaiah.

WW-2—J. Iylaiah.

W-3—M. Venkateswarlu

Witnesses Examined for Respondent :

MW-1—J. Lakshminarayana.

Documents marked for the Workmen

Ex. W-1/20-1-86—Xerox copy of Office Order of the Respondent-Management fixing the pay scales.

Ex. W-2/3-5-86—Xerox copy of Office Order of the Respondent-Management fixing the pay scales.

Ex. W-3/28-10-90—Copy of the Failure Report of Conciliation Officer.

Ex. W-4/28-12-89—Xerox copy of the Proceedings of the Joint Bipartite Committee for the Coal Industry. Documents marked on behalf of Respondent

Ex. M-1—N.C.W. Agreement IV (Xerox Copy)

Ex. M-2/18-6-80—Xerox Copy of Standardisation Committee Report.

Ex. M-3—N.C.W. Agreement No. III (Xerox Copy)

Ex. M-4/5-12-83—Xerox Copy of Circular of Respondent.

Ex. M-5/11-8-89—Xerox Copy of Circular of Respondent.

2506 GI/94 -5

नई दिल्ली, 24 अक्टूबर, 1994

का.आ. 3270—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बैंक आफ महाराष्ट्र के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण 2, बम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-10-94 को प्राप्त हुआ था।

[संख्या एल-12012/73/93-आई आर (बी-II)]
बी.के. शर्मा, डेस्क अधिकारी

New Delhi, the 24th October, 1994

S.O. 3270.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal 2, Bombay as shown in the Annexure in the industrial dispute between the employers in relation to the management of Bank of Maharashtra and their workmen, which was received by the Central Government on 24-10-1994.

[No. L-12012/73-93-JR (B-II)]

V. K. SHARMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY

Reference No. CGIT-2/66 of 1993

PRESENT (Camp : Pune) :

Shri S. B. Panse, Presiding Officer.

Employers in relation to the Management of Bank of Maharashtra

AND

Their Workmen.

APPEARANCES :

For the Employers —Shri R. M. Samudra, Representative.

For the Workmen—No Appearance.

Bombay, the 10th October, 1994

AWARD

The Government of India vide its letter No. 12012/73/93-IR (B.II) dated 1-9-93 sent the following industrial dispute for adjudication to this Tribunal under Section 10(1)(d) of the Industrial Disputes Act. It is in the following terms :

"Whether the action of the management of Bank of Maharashtra, Jalgaon in not offering the post of part-time sweeper, Jalgaon Branch to Shri S. M. Joshi, workman is legal and justified. If not, what relief he is entitled to?"

2. After the receipt of the reference, notices were sent to the concerned parties. They were duly served. From the acknowledgement receipts it is very clear that the parties are duly served. The management appeared on all occasions. The matter was fixed for filing statement of claim but nobody appeared on behalf of the workman. This speaks that they are not interested in proceeding with the matter. Hence I pass the following order :

ORDER

1. The Reference is disposed of for want of prosecution.
2. No order as to costs.

S. B. PANSE, Presiding Officer

नई दिल्ली, अक्टूबर, 1994

का.आ. 3271—भारतीय रेल अधिनियम, 1890 (1890 का 9) के अधीन बनाये गये रेल कर्मचारी (नियोजन के घंटे) नियम, 1961 के नियम 4(2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार श्रम मंत्रालय के संयुक्त सचिव, श्रीमती शशि जैन को उक्त नियम के तहत अपील सुनने के लिये अपील प्राधिकारी के रूप में अधिसूचित करती है।

[फा.सं. एस-66012/2/94-आई एम एच-1]
आर. के. रंग, उप सचिव

New Delhi, the 24th October, 1994

S.O. —In exercise of the powers conferred by rule 4(2) of Railway Servants (Hours of Employment) Rules, 1961 under the Indian Railway Act 1890 (9 of 1890) the Central Government hereby notifies Smt. Shashi Jain, Joint Secretary in the Ministry of Labour as Appellate Authority to hear Appeals under the said rules

[File No. S 66012/2/94-ISH-I]
R. K. RANG, Dy. Secy.

अधिसूचना

नई दिल्ली 26 अक्टूबर, 1994

का.आ. 2272.—केन्द्रीय सरकार, बीड़ी कर्मकार कल्याण निधि नियम, 1978 के नियम 3 के उपनियम (2), नियम 4 और नियम 16 के साथ पठित बीड़ी कर्मकार कल्याण निधि अधिनियम, 1976 (1976 का 62) की धारा 5 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए इस अधिसूचना के जारी करने की तारीख से कर्नाटक राज्य के लिए निम्नलिखित रूप में सलाहकार समिति गठित करती है, अर्थात्:—

- (1) श्रम मंत्री, अध्यक्ष
कर्नाटक सरकार,
बंगलौर
- (2) कल्याण आयुक्त, उपाध्यक्ष (पदेन)
बंगलौर।

New Delhi, the 26th October, 1994

S.O. 3272.—In exercise of the powers conferred by section 5 of the Beedi Workers Welfare Fund Act, 1976 (62 of 1976), read with sub-rule (2) of rule 3, rule 4 and rule 16 of the Beedi Workers Welfare Fund Rules, 1978, the Central Government hereby constitutes the Advisory Committee for the State of Karnataka with effect from the date of issue of this notification as follows, namely:

- (1) Labour Minister,
Government of Karnataka,
Bangalore.
- (2) Welfare Commissioner,
Bangalore
- (3) Labour Commissioner,
Government of Karnataka,
Bangalore.

- (3) श्रम आयुक्त, सदस्य (पदेन)
कर्नाटक सरकार,
बंगलौर

- (4) श्री विजय कुमार शेट्टी,
विधान सभा सदस्य, विधान सभा सदस्य
मलिनामोगार,
कनकनैडी पोस्ट
मंगलौर-575002

- (5) श्री शंकर प्रभू,
मैसर्स प्रकाश बीडिज
प्राइवेट लिमिटेड,
मंगलौर
- (6) श्री चन्द्रशेखर,
मैसर्स राजू बीडिज,
टुमकर

नियोजक प्रतिनिधि

- (7) श्री मुसाबा,
(सी. आई. टी. यू.),
मैदान रोड, मंगलौर
- (8) श्री अफजल पाशा,
बंगलौर डिस्ट्रिक्ट बीड़ी
वर्कर्स यूनियन,
बंगलौर

कर्मकार प्रतिनिधि

- (9) मुश्री एलिजाबेथ पेरियरा, महिला प्रतिनिधि
अधिवक्ता,
कनकनैडी पोस्ट
मंगलौर-578002

- (10) कल्याण प्रशासक, सचिव
श्रम कल्याण संगठन,
बंगलौर

2. उक्त सलाहकार समिति का मुख्यालय बंगलौर में होगा।

[सं. यू.-19012/3/93-डब्ल्यू सी]

आर. के. नरूला, अवर सचिव

- | | |
|--|--|
| (4) Sri Vijay Kumar Shetty,
M.L.A.,
Melinamogaru,
Kankanady Post,
Mangalore-575 002. | Member of the State Legislature Assembly |
| (5) Sri Shankar Prabhu,
M/s. Prakash Beedies Pvt. Ltd.
Mangalore. | Employers' Representatives |
| (6) Sri Chandrashekar,
M/s. Raju Beedies,
Tumkur. | |
| (7) Sri Moosabba,
CITU Office,
Maidan Road,
Mangalore. | Workers' Representatives |
| (8) Sri Afrooz Pasha,
Bangalore District Beedi
Workers' Union,
INTUC, Bangalore. | |
| (9) Ms. Elizabeth Pereira,
Advocate,
Kankanady Post,
Mangalore-578 002. | Women Representative |
| (10) Welfare Administrator,
Labour Welfare Organisation,
Bangalore. | Secretary |

2. The headquarters of the said Advisory Committee shall, be at Bangalore.

[No. U-19012/3/93-W.II(C)]
R.K. NARULA, Under Secy.

(श्रम विभाग)

नई दिल्ली, 26 अक्टूबर, 1994

का. आ. 3273.—जबकि मैसर्स तृतीकोरित अल्कली केमिकल्स एन्ड फर्टिलाइजर्स लिमिटेड, "ईस्ट कोस्ट सेंटर", 553, अन्ना सलाय, टीनमपेट, मद्रास-18.

इसके आगे जहाँ कहीं भी उक्त स्थापना शब्द का प्रयोग हो, इससे अभिप्राय : उक्त स्थापना से है) ने कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) इसके आगे उक्त अधिनियम के नाम से निर्दिष्ट) की धारा 17 की उपधारा (1) के खण्ड (क) के अन्तर्गत छूट प्राप्त करने के लिए आवेदन किया है।

यह केन्द्र सरकार की राय में उक्त स्थापना के कर्मचारियों के लिए तैयार किए गए भविष्य निधि नियमों में अंशदान की दर उक्त अधिनियम की धारा 6 में उल्लिखित कर्मचारी अंशदान की दर से कम नहीं है तथा इसके कर्मचारियों को मिलने वाले भविष्य निधि उक्त अधिनियम तथा कर्मचारी भविष्य निधि स्कीम, 2506 GI/94—6

1952 इसके आगे जहाँ कहीं भी स्कीम शब्द का प्रयोग किया गया है उससे अभिप्राय उक्त स्कीम से है में उल्लिखित लाभों से किसी भी प्रकार से कम नहीं है जो इस वर्ग की स्थापनाओं में कार्यरत कर्मचारियों को उपलब्ध है।

अब इसलिए उक्त अधिनियम की धारा 17 की उपधारा एक के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और संलग्न अनुसूची में वर्णित शर्तों के अधीन केन्द्रीय सरकार इसके द्वारा उक्त स्थापना को उक्त स्कीम के सभी उपबन्धों को लागू होने से छूट प्रदान करती है।

अनुसूची

1. उक्त स्थापना से संबंधित नियोक्ता केन्द्र सरकार के द्वारा समय-समय पर दिए गए निर्देश के अनुसार उक्त अधिनियम की धारा 17 की उपधारा (3) के खण्ड (क) में उल्लिखित निरीक्षण के लिए सुविधाएं प्रदान करेगा और ऐसे निरीक्षण प्रभार की अदायगी प्रत्येक माह की समाप्ति के 15 दिन के अन्दर करेगा।

2. न छूट प्राप्त स्थापनाओं के सम्बन्ध में उक्त अधिनियम और उसके अन्तर्गत स्कीम के अन्तर्गत देय अंशदान के दर से स्थापना के भविष्य निधि नियमों के अन्तर्गत देय अंशदान की दर निम्नी समय भी कम न होगी।

3. पेशगियों के मामले में छूट प्राप्त स्थापना की स्कीम कर्मचारी भविष्य निधि स्कीम, 1952 से कम हितकर नहीं होगी।

4. उक्त स्कीम में कोई भी संशोधन जो स्थापना के वर्तमान नियमों से अधिक लाभकारी है उन पर अपने आप लागू किया जाएगा। उक्त स्थापना के भविष्य निधि नियमों में कोई भी संशोधन क्षेत्रीय भविष्य निधि आयुक्त की पूर्व अनुमति के बिना नहीं किया जाएगा और जहाँ किसी संशोधन से उक्त स्थापना के कर्मचारियों के हित के प्रतिकूल प्रभावी होने की सम्भावना है वहाँ अपनी अनुमति के पूर्व क्षेत्रीय भविष्य निधि आयुक्त, कर्मचारियों को अपने विचार प्रस्तुत करने का उचित अवसर देगा।

5. यदि स्थापना को छूट न दी जाती तो वे सभी कर्मचारी (उक्त अधिनियम की धारा 2 (च) में यथा परिभाषित) जो सदस्य बनाने के पात्र होते, सदस्य बनाए जाएंगे।

जहाँ एक कर्मचारी जो कर्मचारी भविष्य निधि (कानूनी) या किसी अन्य छूट-प्राप्त स्थापना की भविष्य निधि का पहले से सदस्य है, को अपनी स्थापना में काम पर लगाया जाता है तो नियोक्ता उसे निधि का तुरंत सदस्य बनाएगा और ऐसे कर्मचारी के पिछले नियोक्ता के पास भविष्य निधि लेखों में संघों को अंतरित कराने और उसके लेखों में जमा कराने की व्यवस्था करेगा।

7. केन्द्रीय भविष्य निधि आयुक्त के द्वारा अथवा केन्द्रीय सरकार के द्वारा जैसे मामला हो, समय-समय पर दिए निर्देशों के अनुसार भविष्य निधि के प्रबन्ध के लिए नियोक्तान्यासी बोर्ड की स्थापना करेगा।

8. भविष्य निधि, न्यासी बोर्ड में निहित होगा जो अन्य बातों के होते हुए भविष्य निधि में आय के उचित लेखों और भविष्य निधि से अदायगियों और उनकी अभिरक्षा में शेषों के लिए कर्मचारी भविष्य निधि संगठन के प्रति उत्तरदायी होगा।

9. न्यासी बोर्ड कम से कम 3 माह में एक बार बैठक करेंगे और केन्द्र सरकार/केन्द्रीय भविष्य निधि आयुक्त या उसके द्वारा अधिकृत किसी अधिकारी द्वारा समय-समय पर जारी किये गए मार्ग निर्देशों के अनुसार कार्य करेंगे।

10. न्यासी बोर्डों द्वारा रखे गये भविष्य निधि लेखों की परीक्षा वार्षिक रूप से योग्य सनदी लेखापाल द्वारा स्वतन्त्र रूप से की जायेगी। जहाँ भी आवश्यक होगा केन्द्रीय भविष्य निधि आयुक्त को अधिकार होगा

कि वह किसी अन्य योग्य लेखा परीक्षक से खातों को दुबारा लेखा-परीक्षा कराए और ऐसे पुनः लेखा-परीक्षा के खर्च नियोक्ता वहन करेगा।

11. प्रत्येक वर्ष स्थापना के लेखा परीक्षित तुलन-पत्र के साथ लेखापरीक्षित वार्षिक भविष्य निधि लेखों की एक प्रति वित्तीय वर्ष की समाप्ति के छः माह के अन्दर क्षेत्रीय भविष्य निधि आयुक्त को प्रस्तुत की जाएगी। इस प्रयोजन के लिए भविष्य निधि का वित्तीय वर्ष पहली अप्रैल से 31 मार्च तक होगा।

12. नियोक्ता प्रतिमाह भविष्य निधि के देय अपने और कर्मचारियों के अंशदानों को आगामी माह की 15 तारीख तक न्यासी बोर्ड को अंतरित कर देगा। अंशदानों की विलम्ब से अदायगी करने के लिए समान परिस्थितियों में नियोक्ता नुकसानी देने का उसी प्रकार उत्तरदायी होगा जिस प्रकार एक न छूट प्राप्त स्थापना उत्तरदायी होती है।

13. न्यासी बोर्ड सरकार द्वारा समय-समय पर दिए गए निर्देशों के अनुसार निधि में जमा राशियों का निवेश करेगा। प्रतिभूतियाँ न्यासी बोर्ड के नाम पर प्राप्त की जाएगी और भारतीय रिजर्व बैंक के जमा नियंत्रण में अनुमूचित बैंक की अभिरक्षा में रखी जाएगी।

14. सरकार के निर्देशों के अनुसार निवेश न करने पर न्यासी बोर्ड अलग-अलग रूप से और संयुक्त रूप से एक साथ केन्द्रीय भविष्य निधि आयुक्त या उसके प्रतिनिधि द्वारा लगाए गए अधिक प्रभार का उत्तरदायी होगा।

15. न्यासी बोर्ड एक वस्तु-व्यौरा रजिस्टर तैयार करेगा और ब्याज और विमोचन आय को समय पर वसूली मुनिश्चित करेगा।

16. जमा किए गए अंशदानों, निकाले गए और प्रत्येक कर्मचारी से संबंधित ब्याज को दिखाने के लिए न्यासी बोर्ड विस्तृत लेख तैयार करेगा।

17. वित्तीय/लेखा वर्ष की समाप्ति के छः माह अंदर बोर्ड प्रत्येक कर्मचारी को वार्षिक लेखा विवर जारी करेगा।

18. बोर्ड प्रत्येक कर्मचारी को वार्षिक लेखा विवरण के स्थान पर पासबुक जारी कर सकता है। ये पास-बुक कर्मचारियों की अभिरक्षा में रहेंगी और कर्मचारियों के प्रस्तुतीकरण पर बोर्ड के द्वारा हट्टे अद्यतन किया जाएगा।

19. लेखा वर्ष के पहले दिन आदि शेष पर प्रत्येक कर्मचारी के लेखों में ब्याज उस दर से जमा किया जाएगा जिसका न्यासी बोर्ड निर्णय करें परन्तु यह उक्त स्कीम के पैरा 60 के अन्तर्गत केन्द्रीय सरकार द्वारा घोषित दर से कम नहीं होगा।

20. यदि न्यासी बोर्ड केन्द्रीय सरकार द्वारा घोषित ब्याज की दर इस कारण से कि निवेश पर आय कम है

या किसी अन्य कारण से अदा करने में असमर्थ है तो इस कमी को नियोक्ता पूरा करेगा।

(Department of Labour)

New Delhi, the 26th October, 1994

21. नियोक्ता भविष्य निधि की चोरी के कारण लूट-खसूट ख्यानत, गबन अथवा किसी अन्य कारण से हुई हानि को पूरा करेगा।

22. नियोक्ता और न्यासी बोर्ड, क्षेत्रीय भविष्य निधि आयुक्त को एसी विवरणिया प्रस्तुत करेगा जो समय-समय पर केन्द्रीय सरकार/केन्द्रीय भविष्य निधि आयुक्त निर्धारित करें।

23. उक्त स्कीम के पैरा 69 की शैली पर किसी कर्मचारी ने निधि के सदस्य न रहने पर यदि स्थापना के भविष्य निधि नियमों में नियोक्ताओं के अंशदानों को जव्त करने की व्यवस्था है तो न्यासी बोर्ड इस प्रकार जव्त की गई राशियों का अलग से लेखा तैयार करेगा और उसे उन प्रयोजनों के लिए उपयोग करेगा जो केन्द्रीय भविष्य निधि आयुक्त को पूर्व अनुमति से सुनिश्चित किया गया हो।

24. स्थापना के. भ. नि. नियमों में किसी बात के होने हुए भी सेवानिवृत्त होने अथवा किसी अन्य स्थापना में रोजगार लगने के परिणामस्वरूप किसी व्यक्ति के निधि की सदस्यता न रहने पर यदि यह देखने में आता है कि स्थापना के भ. नि. नियमों के अन्तर्गत अंशदान की दर, जस्ती आदि की दर, सांविधिक स्कीम की दरों की तुलना में कम अनुकूल हैं तो उस का अंतर नियोक्ता द्वारा दिया जाएगा।

25. नियोक्ता, भविष्य निधि के प्रशासन से सम्बन्धित सभी खर्च जिसमें लेखों के रख-रखाव, रिटर्न प्रस्तुत किए जाने, राशियों का अन्तरण शामिल है, वहन करेगा।

26. नियोक्ता समुचित प्राधिकारी द्वारा अनुमोदित निधि के नियमों की एक प्रति तथा जब भी कोई संशोधन होता है, उसकी मुख्य बातों को कर्मचारियों के बहुमत की भाषा में अनुवाद करके स्थापना के बोर्ड पर लगाएगा।

27. "समुचित सरकार" स्थापना की चालू छूट पर और शर्तें लगा सकती है।

28. यदि उक्त अधिनियम के अन्तर्गत स्थापना वर्ग जिसमें उसकी स्थापना आती है, पर अंशदान की दर बढ़ा दी जाती है, नियोक्ता भविष्य निधि अंशदान की दर उचित रूप में बढ़ाएगा, ताकि उक्त अधिनियम के अन्तर्गत दिए जाने वाले लाभों से स्थापना को स्कीम के अन्तर्गत दिए जाने वाले भविष्य निधि के लाभ किसी भी प्रकार से कम न हों।

29. उक्त शर्तों में से किसी एक शर्त के भी उल्लंघन पर छूट रद्द की जा सकती है।

S.O. 3273.—Whereas Messrs Tuticorin Alkali Chemicals and Fertilisers Limited, 'East Coast Centre', 553, Anna Salai, Teynampet, Madras-18 (hereinafter referred to as the said establishment) has applied for exemption under clause (a) of sub-section (1) of Section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the said Act);

And whereas in the opinion of the Central Government the rules of the provident fund of the said establishment with respect to the rates of contribution are not less favourable to employees therein than those specified in section 6 of the said Act and the employees are also in enjoyment of other provident fund benefits which on the whole are not less favourable to the employees than the benefits provided under the said Act or under the Employees' Provident Funds Scheme, 1952 (hereinafter referred to as the said Scheme) in relation to the employees in any other establishment of similar character;

Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of Section 17 of the said Act and subject to the conditions specified in the Schedule annexed hereto the Central Government hereby exempts the said establishment from the operation of all the provisions of the said Scheme.

SCHEDULE

1. The employer in relation to the said establishment shall provide for such facilities for inspection and pay such inspection charges as the Central Government may from time to time direct under clause (a) of sub-section (3) of Section 17 of the said Act within 15 days from the close of every month.

2. The rate of contribution payable under the provident fund rules of the establishment shall at no time be lower than those payable under the said Act in respect of the un-exempted establishments and the said Scheme framed there-under.

3. In the matter of advances, the scheme of the exempted establishment shall not be less favourable than the Employees Provident Fund Scheme, 1952.

4. Any amendment to the said Scheme which is more beneficial to the employees than the existing rules of the establishment shall be made applicable to them automatically. The employer shall not however make any other amendment in its P.F. rules without the approval of Regional Provident Fund Commissioner. The Regional Provident Fund Commissioner shall before giving his approval, give a reasonable opportunity to the employees to explain their points of view.

5. All employees (as defined in section 2(f) of the said Act) who would have been eligible to become members of the Provident Fund had the establishment not been granted exemption shall be enrolled as members.

6. Where an employee who is already a members of the Employees' Provident Fund (Statutory) or a provident fund of any other exempted establishment is employed in his establishment, the employer shall immediately enroll him as a member of the fund and arrange to have the accumulations in the provident fund account of such employee with his previous employer transferred and credited to his account.

7. The employer shall establish a Board of Trustees for the management of the provident fund according to such directions as may be given by the Central Provident Fund Commissioner or by the Central Government, as the case may be, from time to time.

8. The provident fund shall vest in the Board of Trustees who will be responsible for and accountable to the Employees Provident Fund Organisation inter-alia for proper accounts of the receipts into and payments from the provident fund and the balances in their custody.

9. The Board of Trustees shall meet at least once in every three months and shall function in accordance with the guidelines that may be issued from time to time by the Central Government/Central Provident Fund Commissioner or and officer authorised by him.

10. The accounts of the Provident Fund maintained by the Board of Trustees shall be subject to audit by a qualified independent Chartered Accountant annually. Where considered necessary, the Central Provident Fund Commissioner shall have the right to have the accounts re-audited by any other qualified auditor and the expenses so incurred shall be borne by the employer.

11. A copy to the audited annual provident fund accounts together with the audited balance sheet of the establishment for each accounting year shall be submitted to the Regional Provident Fund Commissioner within six months after the close of the financial year. For this purpose the financial year of the provident fund shall be from the 1st of April to the 31st of March.

12. The employer shall transfer to the Board of Trustees the contributions payable to the Provident Fund by himself and employees by the 15th of each month following the month for which the contributions are payable. The employer shall be liable to pay simple interest for any delay in payment of the establishment is liable in similar circumstances.

13. The Board of Trustees shall invest the monies in the fund as per directions that may be given by the Government from time to time. The securities shall be obtained in the name of the Board of Trustees and shall be kept in the custody of a scheduled Bank under the Credit Control of the Reserve Bank of India.

14. Failure to make investments as per directions of the Government shall make the Board of Trustees severally and jointly liable to surcharge as may be imposed by the Central Provident Fund Commissioner or his representative.

15. The Board of Trustees shall maintain a scriptwise register and ensure timely realisation of interest.

16. The Board of Trustees shall maintain detailed accounts to show the contributions credited, withdrawal and interest in respect of each employee.

17. The Board shall issue an annual statement of accounts to every employee within six months of the close of financial/accounting year.

18. The Board may, interest of the annual statement of accounts, issue pass books to every employees. Those pass book shall remain in the custody of the employees and will be brought uptodate by the Board on presentation by the employees.

19. The accounts of each employee shall be credited with interest calculated on the opening balance as on the 1st day of the accounting year at such rate as may be decided by the Board of Trustees but shall not be lower than the rate declared by the Central Government under para 60 of the said Scheme.

20. If the Board of Trustees are unable to pay interest at the rate declared by the Central Government for the reason that the return on investment is less or for any other reason than the deficiency shall be made good by the employer.

21. The employer shall also make good any other loss that may be cause to the Provident Fund due to theft burglary, defalcation, misappropriation or any other reason.

22. The employer as well as the Board of Trustees shall submit such returns to the Regional Provident Fund Commissioner as the Central Government/Central Provident Fund Commissioner may prescribed from time to time.

23. If the Provident Fund rules of the establishment provide for forfeiture of the employees' contribution in cases where an employee ceases to be a member of the fund on the lines of para 69 of the said Scheme, the Board of Trustees shall maintain a separate account of the amount so forfeited prior to 1-1-90 utilise by the B-O-T for such purposes as may be determined with the prior approval of the Central Provident Fund Commissioner.

24. Notwithstanding anything contained in the Provident Fund Rules of the establishment, on the cessation of any individual from the membership of the fund consequent on retiring from service or on taking up the employment in some other establishment, it is found that the rate or contribution rate of forfeiture etc., under the P.F. Rules of the establishment are less favourable as compared to these under the statutory Scheme, the difference shall be borne by the employer.

25. The employer shall bear all the expenses of the administration of the provident fund including the maintenance of accounts, submission of returns, transfer of accumulations.

26. The employer shall display on the notice board of the establishment, a copy of the rules of the fund as approved by the appropriate authority and as and when amended there to alongwith a translation of the salient points thereof in the language of the majority of the employees.

27. The appropriate Government may lay down any further conditions for continued exemption of the establishment.

28. The employer shall enhance the rate of provident fund contributions appropriately if the rate of provident fund contribution is enhanced under the said Act so that the benefits under the Provident Fund Scheme of the establishment shall not become less favourable than the benefits provided under the said Act.

29. The exemption is liable to be cancelled for violation of any of the above conditions.

[No. S-35015/7/94-SS-II]

J. P. SHUKLA, Under Secy.

नई दिल्ली, 13 अक्टूबर, 1994

का. आ. 3274.—उत्प्रवास अधिनियम 1983 (1983 का 31) की धारा 3 की उपधारा (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार श्री एल. के. चावला, अनुभाग अधिकारी को दिनांक 30-8-1994 से प्रगला आदेश जारी होने तक उत्प्रवास संश्लि-II दिल्ली के रूप में नियुक्त करती है।

[संख्या ए-22012/1/92-उत्प्रवास]

बी. डी. नागर, प्रवर सचिव

New Delhi, the 13th October, 1994

S.O. 3274.—In exercise of the powers conferred by Section 3, Sub-section (1) of the Emigration Act, 1983 (31 of 1983), the Central Government hereby appoints Shri L. K. Chawla, Section Officer as Protector of Emigrants, Delhi with effect from 30th September, 1994 till further orders.

[No. A-22012/1/92-Emig.]
V. D. NAGAR, Under Secy.

नई दिल्ली, 26 अक्टूबर, 1994

का. आ. 3275—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इलाहाबाद बैंक के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 25 अक्टूबर, 1994 को प्राप्त हुआ था।

[संख्या एल-12012/330/86डी II ए/आई.आर. (बीII)]

बी. के. शर्मा, डेस्क अधिकारी

New Delhi, the 26th October, 1994

S.O. 3275.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Allahabad Bank and their workmen, which was received by the Central Government on 25-10-1994.

[No. L-12012/330/86-DIIA/IR (B-II)]
V. K. SHARMA, Desk Officer.

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR (M.P.)

CASE NO. CGIT/IC(R)(248)/1987.

BETWEEN

Shri Sohan Lal, Part-time Sweeper represented through the Joint Secretary, All India Allahabad Bank Employees Association, Madhya Pradesh Unit C/o. Allahabad Bank, Shastri Marg, Jabalpur (M.P.).

AND

The Regional Manager, Allahabad Bank, P.B. No. 9, residency Road, Civil Lines, Jabalpur 482001. (M.P.)

PRESENT :

Shri Arvind Kumar Awasthy, Presiding Officer.

APPEARANCES :

For Workman.—Shri A. K. Banerjee.

For Bank—Shri A. B. Rai.

INDUSTRY : Banking

DISTRICT : Jabalpur (M.P.)

AWARD

Dated : September 30, 1994

This is a reference made by the Central Government in the Ministry of Labour vide its Notification No. L-12012/330/86-D.II(A) dated 3-12-1987 for adjudication of the following dispute as mentioned under the Schedule to the order of reference :

SCHEDULE

"Whether the action of the management of Allahabad Bank, Jabalpur, in not giving opportunity for appearing in the test for recruitment of Peon-cum-Farrash to Shri Sohanlal Part-time Sweeper, Lalmai Br. Jabalpur, in terms of their circulars No. Sub/Staff/Rect.I dated 23-11-1983 and ZO/Est./Rect/PCF/9089 dated 6-12-84 is justified? If not, to what relief is the workman entitled?"

2. Parties filed a photo copy of Order of the Regional Manager, Allahabad Bank, Jabalpur, dated 27-12-1993 addressed to the Manager, Shastri Marg Branch, Jabalpur, stating therein that according to the Head Office Agreement dated 22-4-1989 Shri Sohanlal, Sweeper, has been posted as Peon-cum-Farrash in Shastri Branch with effect from 1-1-1994. Shri Sohanlal agreed to the terms and conditions of his promotion/posting on 31-12-1993.

3. In view of the above, Shri Banerjee, representative of the workman expressed his opinion that as Sohan Lal has received the promotion and accepted the terms, he does not want to pursue the reference. Consequently, parties rightly agreed to pass a no dispute award. I therefore record a No dispute Award and pass no order as to costs.

ARVIND KUMAR AWASTHY, Presiding Officer.

नई दिल्ली, 27 अक्टूबर, 1994

का. आ. 3276—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार स्टेट बैंक आफ पटियाला के प्रबन्धतंत्र, के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जण्डीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-10-94 को प्राप्त हुआ था।

[संख्या एम 12012/180/90/आई-आर (बीIII) आई आर (बी-I)]

बी० एम० डेविड, डेस्क अधिकारी

New Delhi, the 27th October, 1994

S.O. 3276.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of Patiala and their workmen, which was received by the Central Government on the 26-10-94.

[No. L-12012/180/90-IR(B.III)|IR(B)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE SHRI M. S. SULLAR, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

Case No. I. D. 157/90

Kuldeep Singh Vs. State Bank of Patiala
For the Workman.—Sh. J. G. Verma.
For the Management.—Sh. N. K. Zakhmi.

AWARD

Dated 22nd of September, 1994

In the wake of industrial dispute, raised by the workman, Central Govt. vide No. L-12012/180/90-IR(B-3) dated 17th October, 1990 referred the following dispute to this Tribunal for adjudication :

“Whether the action of the Regional Manager, State Bank of Patiala is justified in transferring Shri Kuldeep Singh, Peon-cum-Farrash from Patiala to Sangrur w.e.f. 17-5-1990 ? If not, to what relief the concerned workman is entitled to?”

The workman has challenged his transfer order on the various grounds mentioned in the statement of claim.

3. The respondent management contested the claim of the petitioner and filed written statement, inter alia, stoutly denying the allegations of the workman.

4. After the evidence of the parties closed, case was slated for arguments. But the authorised representative of the workman, J. G. Verma and workman himself, have made statement that subject matter of the dispute had been settled between the parties. The workman does not want to press the reference petition which may be answered accordingly as not being pressed.

5. In view of the statement of the workman and his authorised representative, the present reference is returned to the Ministry as settled. Appropriate Govt. be informed.

Chandigarh
22-9-1994.

M. S. SULLAR, Presiding Officer

नई दिल्ली, 27 अक्टूबर, 1994

का. आ. 3277.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रिय सरकार भारतीय स्टेट बैंक के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-10-94 को प्राप्त हुआ था।

[संख्या एल-12012/164/88 दीIII(ए)/आई आर(बी-I)]

बी. एम. डेविड, डेस्क अधिकारी

New Delhi, the 27th October, 1994

S.O. 3277.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of India and their workmen, which was received by the Central Government on the 26-10-94.

[No. L-12012/164/88/D.III(A)|IR(B. I)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE SHRI M. S. SULLAR, PRESIDING OFFICER, CENTRAL GOVT., INDUSTRIAL TRIBUNAL-CUM-LAGOUR COURT, CHANDIGARH

Case No. I. D. 10/89

Suresh Singh Vs. State Bank of India
For the Workman.—Sh. J. G. Verma
For the Management.—Sh. A. C. Jaidka

AWARD

Dated 4-10-1994

In the wake of the industrial dispute, raised by the workman, Central Govt. vide No. L-12012/164/88-D-3(a) dated 8th January, 1989 referred the following dispute to this Tribunal for adjudication :

“Whether the action of the State Bank of India in relating to their Sirsa Branch in terminating the services of Sh. Suresh Singh, son of Sh. Mohan Singh w.e.f. 17-7-1986 is just, fair and legal? If not, what relief the workman concerned is entitled to, and from what date?”

2. The workman has challenged his termination order on the various grounds mentioned in the Statement of claim.

3. The respondent management contested the claim petition and filed written statement, inter alia, stoutly denying the allegations of the workman.

4. After the conclusion of the evidence of the workman, case was slated for evidence of the management. But the authorised representative of workman, Mr. J. G. Verma, has made a statement that since the workman had already been reinstated, so, he does not press the reference.

As the workman had already been reinstated, as per statement of his representative, so, no dispute remains to be decided. Consequently, the reference is disposed of accordingly. Appropriate Govt. be informed accordingly.

Chandigarh.

Dated 4-10-1994

M. S. SULLAR, Presiding Officer

नई दिल्ली, 28 अक्टूबर, 1994

का. आ. 3278—केन्द्रीय सरकार का यह समाधान हो गया है कि लोकहित में यह अपेक्षित है कि औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की पहली अनुसूची में प्रविष्टि 17 के अन्तर्गत आने वाले तेल क्षेत्र में सेवा उक्त अधिनियम के प्रयोजनार्थ लोकोपयोगी सेवा घोषित की जाये ;

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (द) के उप खंड (vi) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त अधिनियम के प्रयोजनार्थ उक्त उद्योग को तत्काल प्रभाव से छः मास की अवधि के लिए लोकोपयोगी सेवा घोषित करती है।

[संख्या एस-11017/5/85—डी I(ए)]

एस. एस. पराशर, अवसर सचिव

New Delhi, the 28th October, 1994

S.O. 3278.—Whereas the Central Government is satisfied that the public interest requires that the service in any Oil field which is covered by entry 17 in the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947), should be declared to be a public utility service for the purpose of the said Act;

Now, therefore, in exercise of the powers conferred by sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares with immediate effect the said industry to be a public utility service for the purpose of the said Act for a period of six months.

[No. S-11017/5/85-D.I(A)]

S. S. PRASHER, Under Secy.

नई दिल्ली, 28 अक्टूबर, 1994

का. आ. 3279—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्तर्गत, केन्द्रीय सरकार सेंट्रल इन्स्टीट्यूट फार रिसर्च आन बफेलो के प्रबन्धन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चंडीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-10-94 को प्राप्त हुआ था।

[संख्या एल-42012/122/91-आई आर (डी यू.)]

के. वी. डी. उन्नी, डेस्क अधिकारी

New Delhi, the 28th October, 1994

S.O. 3279.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Central Institute for Research on Buffaloes and their workmen, which was received by the Central Government on 27-10-1994.

[No. L-42012/122/91-IR(DU)]

K. V. B. UNNY, Desk Officer

ANNEXURE I

BEFORE SH. M. S. SULLAR, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,

CHANDIGARH

Case No. I.D. 110/92

Radhey Sham Vs. Central Institute for Research on Buffaloes.

For the Workman.—Sh. Darshan Singh.

For the Management.—Sh. N. K. Suneja.

AWARD

Dated the 5th October, 1994

In the wake of Industrial Disputes, raised by the workman, Central Govt. vide L-42012/122/91-IR (D.U.) dated 14/20-8-1994 referred the following dispute to this Tribunal for adjudication :

“Whether the action of the Management of Central Institute for Research on Buffaloes, Hissar in terminating the services of Shri Radhey Sham w.e.f. 30-9-1990 is justified ? If not, what relief the workman concerned is entitled to ?”

The matrix of the facts, culminating in the commencement of present reference, are that Radhey Sham, workman was appointed as Gardener, by the Management, in the month of January, 1989. Services of the workman were terminated w.e.f. 30-9-1990 by the Management. He had challenged his termination order by way of present reference. The case set up by the workman, in brief, in so far as relevant is, that his services were illegally terminated by the Management, although he has completed 240 days of his service and he is entitled for all the benefits permissible under Industrial Dispute Act.

2. According to the Management the workman was employed on daily wages for doing work. He was not posted on a particular post. He has not completed 240 days of his service in a calendar year. It is alleged that the workman had himself abandoned the job and he is not entitled for any benefit. That being so

the management prayed for the dismissal of present petition.

3. The Management filed the written statement on 13-10-1993. The case was slated for 3-2-1994 by Sh. Arvind Kumar, the then Learned Presiding Officer. On that day the affidavit was not filed by the Workman. Adjournment was requested and the case was adjourned to 17-5-1994 for filing of affidavit. On that day also, the position remained the same. Another adjournment was requested and case was adjourned to 29-7-1994, and from 29-7-1994, the case was again adjourned to 5-10-1994, for filing of affidavit by the Workman. The workman again did not file the affidavit. In place of filing the affidavit, the Rep. of the workman has made the following statement.

"I am authorised Rep. of the Workman. I do not press the reference petition which may be declined."

4. As indicated earlier, more than sufficient opportunities have already been granted to the workman to substantiate his claim but he failed to do so. In other words, he has nothing to support his case, particularly when the management has stoutly denied his claim.

5. In this view of the matter, and in view of the statement of the Rep. of the workman, the reference is, hereby, declined. Appropriate Govt. be informed accordingly.

Chandigarh

Dated 5-10-1994.

M. S. SULLAR, Presiding Officer